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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10297

PROVIDING FOR A TELECOMMUNICATIONS ADVISOR TO THE PRESIDENT

By virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is hereby ordered as follows:

SECTION 1. There shall be in the Executive Office of the President a Telecommunications Advisor to the President who shall be appointed by the President.

SEC. 2. The Telecommunications Advisor shall assist and advise the President with respect to the following-described telecommunications functions and such other telecommunications functions as the President may designate:

(a) Coordinating the development of telecommunications policies and standards applying to the executive branch of the Government.

(b) Assuring high standards of telecommunications management within the executive branch of the Government.

(c) Coordinating the development by the several agencies of the executive branch of telecommunications plans and programs designed to assure maximum security to the United States in time of national emergency with a minimum interference to continuing nongovernmental requirements.

(d) Assigning radio frequencies to Government agencies under the provisions of section 305 of the Communications Act of 1934, as amended (47 USC 305), and establishing policies and procedures governing such assignments and their continued use.

(e) Developing United States Government frequency requirements.

SEC. 3. The Telecommunications Advisor shall, to the maximum extent feasible, perform his functions with the aid, or through the facilities, of appropriate departments and agencies of the Government; and he shall establish such interagency committees and working groups composed of representatives of interested departments and agencies, and consult with such departments and agencies, as may be necessary for the most effective performance of his functions.

SEC. 4. The Interdepartmental Radio Advisory Committee shall report to and assist the Telecommunications Advisor in the performance of his functions as he may request.

SEC 5. Nothing in this order shall be deemed to impair any existing authority or jurisdiction of the Federal Communications Commission. The Telecommunications Advisor shall cooperate with the Federal Communications Commission on problems of mutual concern.

HARRY S. TRUMAN

THE WHITE HOUSE,
October 9, 1951.

[F. R. Doc. 51-12285; Filed, Oct. 10, 1951; 10:00 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

ELIGIBLE REGISTERS

1. Paragraph (c) of § 2.113 is revoked.

2. A new paragraph (d) is added to § 2.107 as follows:

§ 2.107 *Eligible registers.* * * *

(d) A permanent or indefinite civil service employee upon separation from the service without delinquency or misconduct may, on application, during the life of the register, have his name restored to the register of eligibles from which appointed. Where the original register has expired those indefinite employees who were involuntarily separated without delinquency or misconduct and who apply for restoration within 90 days of separation may have their names restored to the successor register.

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(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-12251; Filed, Oct. 10, 1951; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

U. S. STANDARDS FOR WATERMELONS

By virtue of the authority vested in me by the Secretary of Agriculture, I hereby approve the publication in the FEDERAL REGISTER of the following United States Standards for Watermelons which have been in effect since February 12, 1945. These standards are currently in effect pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved August 31, 1951).

§ 51.441 *Standards for watermelons*—(a) *Grades.* (1) *U. S. No. 1.* U. S. No. 1 shall consist of watermelons of similar varietal characteristics which are mature but not over-ripe, fairly well formed, and free from sunscald, decay, anthracnose and from damage caused by other disease, whiteheart, sunburn, hollow heart, hail, insects, or mechanical or other means. (See size requirements.)

(i) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, may be badly misshapen or seriously damaged by any means, and not more than 1 percent shall be allowed for decay.

(2) *U. S. Commercial.* U. S. Commercial shall consist of watermelons which meet all requirements of U. S. No. 1 except for anthracnose spots. In this grade each watermelon shall be free from damage by anthracnose. (See size requirements.)

(i) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, may be badly misshapen or seriously damaged by any means, and not more than 1 percent shall be allowed for decay.

(3) *U. S. No. 2.* U. S. No. 2 shall consist of watermelons of similar varietal characteristics which are mature but not over-ripe; which are not badly misshapen and which are free from sunscald, decay, and from serious damage caused by whiteheart, sunburn, hollow heart, hail, anthracnose or other disease, insects or mechanical or other means. (See size requirements.)

(i) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, may be below the requirements of this grade but not more than 1 percent shall be allowed for decay.

(4) *U. S. No. 3.* U. S. No. 3 shall consist of watermelons of similar varietal characteristics which are mature but not over-ripe, free from sunscald, soft decay, and from serious damage by whiteheart or any other defect which seriously affects the internal quality of the watermelon. (See size requirements.)

(i) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, may be below the requirements of this grade but not more than 1 percent shall be allowed for soft decay.

(b) *Unclassified.* Unclassified shall consist of watermelons which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Size.* (1) Where the size of watermelons is stated in terms of average weight, unless otherwise specified, the melons in any lot averaging less than 30 pounds shall not vary more than 4 pounds below the stated average, and the melons in any lot averaging 30 pounds or more shall not vary more than 6 pounds below the stated average. Size may also be stated in terms of minimum weight. (See Table of Weights.)

TABLE OF WEIGHTS

Average weight	Minimum weight (unless otherwise specified)	Tolerance permitted for melons below the minimum weight
		Percent
20	16	5
22	18	5
24	20	5
26	22	5
28	24	5
30	24	5
32	26	5
34	28	5
36	30	5
38	32	5
40	34	5
42	36	5

(2) In order to allow for variations, incident to proper sizing, not more than 5 percent, by count, of the watermelons in any lot may be below the minimum size requirements.

(d) *Definitions.* (1) "Mature" means having reached the stage of development at which the melon is at least fairly sweet.

(2) "Fairly well formed" means having the characteristic shape but not necessarily the perfect type of the variety.

(3) "Not badly misshapen" means that the melons are not bottlenecks or gourdnecks, but may be tapered at the ends or slightly constricted.

(4) "Free from damage" means that the melons are not injured to an extent readily apparent upon examination. Melons showing a greenish yellow sunburned spot not larger than 9 square inches shall not be considered as damaged, but melons showing sunburn in excess of this amount, or which show any pronounced golden yellow color which detracts from the appearance to a greater extent than the 9 square inches of greenish yellow sunburn allowed shall be regarded as damaged.

(5) "Free from damage by anthracnose" means that each melon may have not more than 5 anthracnose spots which are not cracked or sunken below the contour of the surface of the melon.

(6) "Serious damage" means any injury which affects the edible quality of the melon or which detracts materially from its appearance. Melons showing sunscald are regarded as seriously damaged. Melons showing not more than 15 anthracnose spots which are not cracked or sunken below the regular surface contour of the melon shall not be considered as seriously damaged.

(Sec. 205, 60 Stat. 1090, Pub. Law 135, 82d Cong.; 7 U. S. C. 1621)

Done at Washington, D. C., this 8th day of October 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-12232; Filed, Oct. 10, 1951; 8:52 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS

U. S. STANDARDS FOR GRADES OF FROZEN CAULIFLOWER [1]

On July 19, 1951, a notice of proposed rule making was published in the FEDERAL REGISTER (16 F. R. 6951) regarding a proposed revision of the United States Standards for Grades of Frozen Cauliflower. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Cauliflower are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et sec.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved August 31, 1951):

§ 52.228 *Frozen cauliflower.* Frozen cauliflower is prepared from the fresh flower heads of the cauliflower plant (Brassica oleracea botrytis) by trimming, washing, and blanching and is frozen and maintained at temperatures necessary for preservation of the product.

(a) *Grades of frozen cauliflower.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen cauliflower that possesses similar varietal characteristics; that possesses a good flavor and odor; that possesses a good color; that is practically free from defects; that possesses a good character; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen cauliflower that possesses similar varietal characteristics; that possesses a fairly good flavor and odor; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of frozen cauliflower that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(b) *Ascertaining the grade.* (1) The grade of frozen cauliflower is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(i) Color	40
(ii) Absence of defects	40
(iii) Character	20
Total score	100

(3) The scores for the factors of color, absence of defects, and character are determined immediately after thawing so that the product is sufficiently free from ice crystals to permit proper handling as individual units, except that buds or buttons which are slightly dark in typical color are cooked before evaluating the factor of color. The product is cooked to determine the flavor and odor.

(4) "Good flavor and odor" means that the product after cooking has a good, characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(c) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen cauliflower that possesses a good color may be given a score of 34 to 40 points. "Good color" means that the buds or buttons possess a characteristic white to light cream color over the tops, which color may be slightly variable, and that the product may possess a characteristic green color or bluish tint on the branches and greenish yellow to light green modified leaves or bracts: *Provided,* That the buds or buttons may possess a color slightly darker than light cream which disappears upon cooking.

(ii) If the frozen cauliflower possesses a reasonably good color, a score of 28 to 33 points may be given. Frozen cauliflower that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the buds or buttons may possess a variable characteristic color ranging from white or light cream to dull white or dark cream over the tops, and that the product may possess a characteristic green color or bluish tint on the branches and greenish yellow to light green modified leaves or bracts: *Provided,* That the buds or buttons may possess a color darker than dark cream, but not seriously darkened, which color disappears upon cooking to the extent that the appearance of the product is no more than slightly affected.

(iii) Frozen cauliflower that is off color for any reason or that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from poorly trimmed clusters and small clusters, from damaged and seriously damaged clusters and small clusters, from pieces and detached fragments, and from any other defects which detract from the appearance or edibility of the product.

(i) "Portion of a head" means an individual portion or section of a head made up of buds or buttons and the adjoining stems or portions of stems and attached modified leaves or bracts.

(ii) "Cluster" means a portion of a head which weighs more than ¼ ounce and which is not less than ¾ inch in the greatest dimension measured across the top of the cluster.

(iii) "Small cluster" means a portion of a head which weighs not more than ¼ ounce and which is not less than ¾ inch in the greatest dimension measured across the top of the cluster.

(iv) "Piece" means a small portion of a head which is less than ¾ inch in the greatest dimension measured across the top of the cluster. "Pieces" are considered as defects whether or not defective.

(v) "Detached fragments" are detached leaves, detached modified leaves or bracts, or detached portions of stems. Detached fragments are considered as defects whether or not defective.

(vi) "Poorly trimmed cluster" or "poorly trimmed small cluster" means that the appearance of the cluster is seriously affected by ragged cutting or gouging, or both, or is seriously affected by attached modified leaves or bracts.

(vii) "Damaged cluster" or "damaged small cluster" means that the cluster is damaged by dark discoloration, pathological injury, insect injury, or any other injury or defect which singly or in combination affect materially the appearance or edibility of the cluster.

(viii) "Seriously damaged cluster" or "seriously damaged small cluster" means that the cluster is damaged to the extent that the appearance or edibility of the cluster is seriously affected.

(ix) Frozen cauliflower that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the product is practically free from pieces and detached fragments and from any defects not specifically mentioned that affect materially the appearance or edibility of the product, and, in addition, means that:

(*a*) No seriously damaged clusters are present; and

(*b*) Not more than a total of 15 percent, by weight, of the cauliflower may be poorly trimmed clusters, poorly trimmed small clusters, damaged clusters, damaged small clusters, and seriously damaged small clusters: *Provided,*

(*1*) Not more than 10 percent, by weight, of the cauliflower are damaged clusters,[2] damaged small clusters, and

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] One cluster in a single container is permitted to be damaged if such cluster exceeds 10 percent, by weight, provided that in all containers comprising the sample, such damaged cluster does not exceed an average of 10 percent by weight.

seriously damaged small clusters: *Further provided,*

(*i*) Not more than 5 percent, by weight, of the cauliflower are seriously damaged small clusters.

(x) If the frozen cauliflower is reasonably free from defects, a score of 28 to 33 points may be given. Frozen cauliflower that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the product is reasonably free from pieces and detached fragments and from any defects not specifically mentioned that affect seriously the appearance or edibility of the product, and, in addition, means that:

(*a*) Not more than a total of 30 percent, by weight, of the cauliflower may be poorly trimmed clusters, poorly trimmed small clusters, damaged clusters, damaged small clusters, seriously damaged clusters, and seriously damaged small clusters: *Provided,*

(*l*) Not more than 15 percent, by weight, of the cauliflower are damaged clusters, damaged small clusters, seriously damaged clusters, seriously damaged small clusters: *Further provided,*

(*i*) Not more than 10 percent, by weight, of the cauliflower are seriously damaged clusters and seriously damaged small clusters.

(xi) Frozen cauliflower that fails to meet the requirements of subdivision (x) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Character.* The factor of character refers to the development, texture, and degree of freedom from ricey and fuzzy units.

(i) "Ricey units" are sections of the head on which the ultimate branches have become elongated, causing the flower clusters to separate and present a loose or open and sometimes granular appearance.

(ii) "Fuzzy units" are sections of the head that have elongated individual flowers or pedicels that result in a very fuzzy appearance.

(iii) Frozen cauliflower that possesses a good character may be given a score of 17 to 20 points. "Good character" means that not less than 80 percent, by weight, of the cauliflower are firm and compact clusters of buds or buttons; and that the remainder of the clusters may be reasonably firm and reasonably compact or may be slightly soft, slightly ricey, or slightly fuzzy.

(iv) If the frozen cauliflower possesses a reasonably good character, a score of 14 to 16 points may be given. Frozen cauliflower that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that not less than 60 percent, by weight, of the cauliflower are at least reasonably firm and reasonably compact clusters of buds or buttons; and that the remainder of the clusters may be soft, ricey, or fuzzy but not more than 10 percent, by weight, of the cauliflower may be mushy.

(v) Frozen cauliflower that fails to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(d) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen cauliflower, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated:

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(*e*) *Score sheet for frozen cauliflower.*

Size and kind of container			
Container marks or identification			
Label			
Net weight (ounces)			
Factors	**Score points**		
I. Color	40	(A) 34–40 (B) [1] 28–33 (S Std) [1] 0–27	
II. Absence of defects	40	(A) 34–40 (B) [1] 28–33 (S Std) [1] 0–27	
III. Character	20	(A) 17–20 (B) [1] 14–16 (S Std) [1] 0–13	
Total score	100		
Flavor and odor			
Grade			

[1] Indicates limiting rule.

(f) *Effective time and supersedure.* The revised United States Standards for Grades of Frozen Cauliflower (which is the third issue) contained in this section will become effective upon publication and thereupon will supersede the United States Standards for Grades of Frozen Cauliflower which have been in effect since August 1, 1945.

(Sec. 205, 60 Stat. 1090, Pub. Law 135, 82d Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 8th day of October 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-12233; Filed, Oct. 10, 1951; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5316]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WANDER CO.

Subpart—*Advertising falsely or misleadingly:* § 3.20 *Comparative data or merits;* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts;* § 3.280 *Unique nature or advantages.* In connection with the offering for sale, sale and distribution of Ovaltine, or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said Ovaltine, which advertisements represent, directly or through inference, (a) that the consumption of Ovaltine will reduce the emptying time of the stomach after a starchy meal, or will thereby induce hunger; (b) that the use of Ovaltine, by those who are under par, run-down, thin, weak, exhausted, pale, listless, tired, fatigued, nervous, underweight, or lacking in energy or strength, or whose appetites are impaired, will correct such conditions or other symptoms of nutritional deficiencies unless such representations are limited to those cases in which such conditions are due to the milder forms of nutritional deficiencies where the prolonged and continued use of said product as a food supplement in the quantities recommended may tend to overcome such conditions; (c) that three out of four or any other specific portion of the people of this country are so deficient in vitamins and minerals that they have developed such symptoms as being under par, run-down, thin, weak, exhausted, pale, listless, tired, fatigued, nervous or underweight, or lacking in energy and strength or whose appetites are impaired, or any other symptoms which arise by reason of lack of sufficient vitamins or minerals; (d) that the use of Ovaltine will correct iron deficiency anemia and its resultant symptoms; (e) that Ovaltine will aid in the digestion of milk or starchy foods, except to the extent that it may serve to speed the digestion thereof; (f) that no other food product on the market contains the same variety of nutriments found in Ovaltine; (g) that the use of Ovaltine will have any effect in avoiding colds or sore throat or will exert any influence upon the severity or duration of the common cold or its accompanying sore throat; or that its use will have any effect upon the eyesight in excess of preventing night blindness resulting from vitamin A deficiency, or preventing narrowing of the field of vision resulting from vitamin A deficiency; (h) that the health of an individual who consumes a well-planned or well-balanced diet requires additional vitamins or minerals, such as may be found in Ovaltine, or any other food

supplement, or that Ovaltine, added to such a diet, will assist in providing, building, or developing endurance, strength, stamina, energy or muscles, or act as an all-round strengthening food, or increase one's strength; (i) that by taking Ovaltine before retiring one can be assured of feeling fresh, vigorous, vital or buoyant the next morning; or, (j) that the consumption of Ovaltine will give assurance of good health; prohibited, subject to the provision, however, that nothing contained in clause (b) shall be deemed to permit respondent to represent that the use of Ovaltine will correct clear-cut deficiency disease states such as, but not limited to, beri-beri, pellagra or scurvy; and to the further provision that the prohibitions in clause (c) shall not be construed to prevent the respondent from using representations accurately reflecting statements made in current documents issued by agencies of the United States Government whose functions and duties include nutritional studies and surveys bearing upon the prevalence among the people of this country of symptoms arising by reason of mineral or vitamin deficiency.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Wander Company, Docket 5316, August 16, 1951]

This proceeding was heard by Abner E. Lipscomb, trial examiner, upon the complaint of the Commission, respondent's answer thereto, and hearings at which testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before said trial examiner, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said trial examiner on the complaint, the answer thereto, testimony and other evidence (duly recorded and filed in the office of the Commission), proposed findings as to the facts and conclusions presented by counsel, oral argument not having been requested, and a proposed order to cease and desist which had been agreed to by counsel with the proviso that if it were not acceptable to the trial examiner or to the Commission the proceeding would be placed in status quo and hearings resumed; and said trial examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on August 16, 1951

The said order to cease and desist is as follows:

It is ordered, That the respondent, The Wander Company, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of Ovaltine, or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference:

(a) That the consumption of Ovaltine will reduce the emptying time of the stomach after a starchy meal, or will thereby induce hunger.

(b) That the use of Ovaltine, by those who are under par, run-down, thin, weak, exhausted, pale, listless, tired, fatigued, nervous, underweight, or lacking in energy or strength, or whose appetites are impaired, will correct such conditions or other symptoms of nutritional deficiencies unless such representations are limited to those cases in which such conditions are due to the milder forms of nutritional deficiencies where the prolonged and continued use of said product as a food supplement in the quantities recommended may tend to overcome such conditions. Nothing contained herein shall be deemed to permit respondent to represent that the use of Ovaltine will correct clear-cut deficiency disease states such as, but not limited to, beri-beri, pellagra or scurvy.

(c) That three out of four or any other specific portion of the people of this country are so deficient in vitamins and minerals that they have developed such symptoms as being under par, rundown, thin, weak, exhausted, pale, listless, tired, fatigued, nervous or underweight, or lacking in energy and strength or whose appetites are impaired, or any other symptoms which arise by reason of lack of sufficient vitamins or minerals: *Provided, however*, That the foregoing shall not be construed to prevent the respondent from using representations accurately reflecting statements made in current documents issued by agencies of the United States Government whose functions and duties include nutritional studies and surveys bearing upon the prevalence among the people of this country of symptoms arising by reason of mineral or vitamin deficiency.

(d) That the use of Ovaltine will correct iron deficiency anemia and its resultant symptoms.

(e) That Ovaltine will aid in the digestion of milk or starchy foods, except to the extent that it may serve to speed the digestion thereof.

(f) That no other food product on the market contains the same variety of nutriments found in Ovaltine.

(g) That the use of Ovaltine will have any effect in avoiding colds or sore throat or will exert any influence upon the severity or duration of the common cold or its accompanying sore throat; or that its use will have any effect upon the eyesight in excess of preventing night blindness resulting from vitamin A deficiency, or preventing narrowing of the field of vision resulting from vitamin A deficiency.

(h) That the health of an individual who consumes a well-planned or well-balanced diet requires additional vitamins or minerals, such as may be found in Ovaltine, or any other food supplement, or that Ovaltine, added to such a diet, will assist in providing, building, or developing endurance, strength, stamina, energy or muscles, or act as an all-round strengthening food, or increase one's strength.

(i) That by taking Ovaltine before retiring one can be assured of feeling fresh, vigorous, vital or buoyant the next morning.

(j) That the consumption of Ovaltine will give assurance of good health.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said Ovaltine, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

By "Decision of the Commission and order to file report of compliance", Docket 5316, August 16, 1951, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 16, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-12223; Filed, Oct. 10, 1951; 8:51 a. m.]

[Docket 5508]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN IRON & STEEL INSTITUTE ET AL.

Subpart—*Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.290 *Aiding, assisting and abetting unfair or unlawful act or practice.* Subpart—*Combining or conspiring:* § 3.400 *To discriminate or stabilize prices through basing point or delivered price systems:* § 3.430 *To enhance, maintain or unify prices.* Subpart—*Selling and quoting on systematic price matching bases:* § 3.2190 *Basing points and delivered price systems.* I. In, or in connection with, the offering for sale, sale and distribution in interstate commerce of the various steel products involved (as

set forth in the findings and excluding stainless steel products), and on the part of respondent Steel Institute, and its directors and officers, and on the part of some ninety steel producers, and their officers, etc., entering into any planned common course of action, understanding or agreement between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, and cooperating in, carrying out or continuing any such planned common course of action, understanding or agreement, to (1) adopt, establish, fix or maintain prices or any element thereof at which steel products shall be quoted or sold, including but not limited to base prices, the extras which shall be added to, or the deductions which shall be made from, any base price for any specified characteristic, or loading charge or delivery charge or terms of discount, credit, or other conditions of sale; (2) collect, compile, circulate or exchange between or among respondents, or any of them, a list or lists of base prices or of prices by any other designation, or extra charges thereto or deductions therefrom for any specified characteristic or quantity of steel products or services connected therewith, used or to be used in computing prices or price quotations of steel products; or use, directly or indirectly, as a factor in computing price quotations or in making, quoting or charging prices any such list or lists so collected, compiled, circulated or exchanged; (3) collect, compile, circulate, or exchange between or among respondents, or any of them, a list or lists of freight rate factors, transportation charges or other charges relating to transportation or loading or other services connected therewith, used or to be used in computing prices or price quotations of steel products, or use, directly or indirectly, as a factor in computing price quotations any such list or lists so collected, compiled, circulated or exchanged; (4) formulate, devise, adopt, establish, fix, or maintain methods or practices of quoting and selling steel products to railroads or other particular classes of customers; (5) quote or sell steel products at prices calculated or determined pursuant to, or in accordance with, any system or formula which produces identical price quotations or prices or delivered costs, or which establishes a fixed relationship among price quotations or prices or delivered costs, or which prevents purchasers from securing any advantage in price in dealing with one or more of the respondents as against any of the other respondents; (6) fail to quote or to sell and deliver any steel products f. o. b. at the plant of manufacture thereof; (7) cause to be done any of the things described in the preceding clauses (1) through (6) through action of respondent American Iron and Steel Institute or any subdivision or committee of said Institute or any individual, or other corporation or organization; and II, acting, individually or otherwise, on the part of each of the respondents, so as knowingly to contribute to the maintenance or operation of any planned common course of action, understanding or agreement between and among any two or more of the respondents or between any one or more of them and others not parties hereto through the commission of any of the acts, practices or things prohibited by clauses (1) through (6) of Part I of the order; prohibited, subject to the proviso, however, that in interpreting and construing the foregoing provisions of the order, it is understood that, (1) the Federal Trade Commission is not considering evidence of uniformity of prices or any element thereof of two or more sellers at any destination or destinations and without more as showing a violation of law; (2) the Federal Trade Commission construes the phrase "planned common course of action" and the word "continuing" contained in this order as interpreted by the Supreme Court in F. T. C. v. Cement Institute, 333 U. S. 683, at page 728, and by the Court in American Chain & Cable Co. v. F. T. C. (C. A. 4th 1944), 139 F. 2d 622; (3) the Federal Trade Commission is not acting to prohibit or interfere with delivered pricing or freight absorption as such when innocently and independently pursued, regularly or otherwise, with the result of promoting competition; (4) the findings and the conclusion which the Federal Trade Commission has made in this case have been expressly set forth in the Findings as to the Facts and Conclusion that precede this order and are complete; and that (5) nothing contained in the order or the understandings in connection herewith shall be construed to affect (a) the duty, authority or power of the Federal Trade Commission under the provision of section 5 (b) of the Federal Trade Commission Act to reopen the proceeding and alter, modify or set aside in whole or in part any provision of the order whenever in the opinion of the Federal Trade Commission conditions of fact or of law have so changed as to require such action or if the public interest shall so require, nor to prevent representatives of either the Federal Trade Commission or of the respondents or any of them from moving to so alter, modify or set aside in whole or in part any provision of the order; or (b) any such right as the respondents, or any of them, may have under the law to question or contest any such action by the Commission in so reopening the proceeding or in so altering, modifying or setting aside the order, either before the Commission or upon review or otherwise in any competent court.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, American Iron & Steel Institute et al., Docket 5508, August 10, 1951]

In the Matter of American Iron & Steel Institute, an Incorporated Trade Association, Its Directors and Officers; and United States Steel Corporation and the Following of Its Subsidiaries, American Bridge Company, The American Steel & Wire Co. of New Jersey, Carnegie-Illinois Steel Corporation, Columbia Steel Company, Geneva Steel Company, National Tube Company, Tennessee Coal, Iron & Railroad Company, and Virginia Bridge Company; Bethlehem Steel Corporation and the Following of Its Subsidiaries, Bethlehem Pacific Coast Steel Corporation, Bethlehem Steel Company; Republic Steel Corporation and Its Controlled Company, Truscon Steel Company; The American Rolling Mill Company and Its Subsidiary, Sheffield Steel Corporation of Ohio; National Steel Corporation and the Following of Its Subsidiaries, Weirton Steel Company and Great Lakes Steel Company; Inland Steel Company and Its Subsidiary, Milcor Steel Company; The Youngstown Sheet & Tube Company; Jones & Laughlin Steel Corporation; Wheeling Steel Corporation; Colorado Fuel and Iron Corporation; Crucible Steel Company of America; Pittsburgh Steel Company; Sharon Steel Corporation, Alan Wood Steel Company; Acme Steel Co.; Agaloy Tubing Co.; Allegheny Ludlum Steel Corp.; American Chain & Cable Co., Inc.; Atlantic Steel Co.; The Atlantic Wire Co.; The Babcock & Wilcox Tube Co.; Bliss & Laughlin, Inc.; Continental-United Industries Company, Inc.; Buffalo Bolt Co.; Bundy Tubing Co.; A. M. Byers Co.; The Carpenter Steel Co.; Central Iron and Steel Co.; Chicago Steel & Wire Co.; Columbia Steel & Shafting Co.; Columbia Tool Sheet Co.; Compressed Steel Shafting Co.; Connors Steel Co.; Continental Steel Corp.; Copperweld Steel Co.; The Cuyahoga Steel & Wire Co.; Detroit Steel Corp.; Henry Disston & Sons, Inc.; Eastern Stainless Steel Corp.; Edgewater Steel Co.; Empire Steel Corp.; Firth Sterling Steel & Carbide Corp.; Follansbee Steel Corp.; Fretz-Moon Tube Co., Inc.; Granite City Steel Co.; Griffin Manufacturing Co.; Harrisburgh Steel Corp.; International Detrola Corp.; Joslyn Manufacturing & Supply Co.; Judson Steel Corp.; Keystone Drawn Steel Co.; Keystone Steel & Wire Co.; Laclede Steel Co.; Latrobe Electric Steel Co.; Lukens Steel Co.; The Mahoning Valley Steel Co.; The Medart Co.; Mercer Tube and Manufacturing Co.; The Midvale Co.; Moltrup Steel Products Co.; National Standard Co.; The National Supply Co.; Northwestern Steel & Wire Co.; Pacific States Steel Corp.; The Phoenix Iron Co.; Pittsburgh Tool Steel Wire Co.; Pittsburgh Tube Co.; The Pollak Steel Co.; Reeves Steel and Mfg. Co.; John A. Roebling's Sons Co.; Rotary Electric Steel Co.; The Standard Tube Co.; Superior Steel Corp., Sweet's Steel Co.; The Thomas Steel Co.; The Timken Roller Bearing Co.; Universal Cyclops Steel Corp.; Vanadium-Alloys Steel Co. and Its Subsidiary, Anchor Drawn Steel Co.; Vulcan Crucible Steel Co.; Washington Steel Corp.; Western Automatic Machine Screw Co.; Wheatland Tube Co.; Wisconsin Steel Co.; Worth Steel Co.; and Wyckoff Steel Co.

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, the answers thereof of the respondents, and upon testimony and other evidence to support the allegations of said complaint taken before an Examiner of the Commission theretofore duly designated;

and, the Commission having made its findings as to the facts and its conclusion and being of the opinion that it is in the public interest that it issue its order under the Federal Trade Commission Act, the Commission hereby does so, as follows:

I. *It is ordered,* That respondents American Iron and Steel Institute, a membership corporation organized under the laws of the State of New York, and its directors, its officers, and United States Steel Corporation, a corporation, The American Steel and Wire Company of New Jersey, a corporation, United States Steel Company (designated in the complaint as Carnegie-Illinois Steel Corporation, but which corporate name was changed on December 30, 1950, to that of United States Steel Company), a corporation, Columbia Steel Company, a corporation, Geneva Steel Company, a corporation, National Tube Company, a corporation, Tennessee Coal, Iron and Railroad Company, a corporation, Bethlehem Steel Corporation, a corporation, Bethlehem Pacific Coast Steel Corporation, a corporation, Bethlehem Steel Company, a corporation, Republic Steel Corporation, a corporation, Truscon Steel Company, a corporation, The Youngstown Sheet and Tube Company, a corporation, Jones & Laughlin Steel Corporation, a corporation, Armco Steel Corporation (name formerly The American Rolling Mill Company), a corporation, Sheffield Steel Corporation of Ohio, a corporation, National Steel Corporation, a corporation, Weirton Steel Company, a corporation, Great Lakes Steel Corporation, a corporation, Inland Steel Company, a corporation, Inland Steel Products Company (name formerly Milcor Steel Company), a corporation, Wheeling Steel Corporation, a corporation, The Colorado Fuel and Iron Corporation, a corporation, Claymont Steel Corporation (name formerly Worth Steel Company), a corporation, Crucible Steel Company of America, a corporation, Pittsburgh Steel Company, a corporation, Sharon Steel Corporation, a corporation, Alan Wood Steel Company, a corporation, Acme Steel Company, a corporation, Allegheny Ludlum Steel Corporation, a corporation, American Chain and Cable Company, Inc., a corporation, Atlantic Steel Company, a corporation, The Babcock & Wilcox Tube Company, a corporation, Bliss & Laughlin, Incorporated, a corporation, Continental Copper & Steel Industries, Inc. (name formerly Continental-United Industries Co., Inc.), a corporation, Buffalo Eclipse Corporation (name formerly Buffalo Bolt Company), a corporation, A. M. Byers Company, a corporation, The Carpenter Steel Company, a corporation, Central Iron and Steel Company, a corporation, Columbia Steel & Shafting Company, a corporation, Columbia Tool Steel Company, a corporation, Compressed Steel Shafting Company, a corporation, Connors Steel Company, a corporation, Continental Steel Corporation, a corporation, Copperweld Steel Company, a corporation, The Cuyahoga Steel & Wire Company, a corporation, Detroit Steel Corporation, a corporation, Henry Disston & Sons, Inc., a corporation, Edgewater Steel Company, a corporation, Firth Sterling Steel & Carbide Corporation, a corporation, Follansbee Steel Corporation, a corporation, Fretz-Moon Tube Company, Incorporated, a corporation, Granite City Steel Company, a corporation, Griffin Manufacturing Co., a corporation, Newport Steel Corporation (name formerly International Detrola Corporation), a corporation, Joslyn Mfg. and Supply Co., a corporation, Judson Steel Corporation, a corporation, Keystone Drawn Steel Company, a corporation, Keystone Steel & Wire Company, a corporation, Laclede Steel Company, a corporation, Latrobe Electric Steel Company, a corporation, Lukens Steel Company, a corporation, Mahoning Valley Steel Company, a corporation, The Medart Company, a corporation, Mercer Tube & Manufacturing Co., a corporation, The Midvale Company, a corporation, Moltrup Steel Products Company, a corporation, National-Standard Company, a corporation, The National Supply Company, a corporation, Northwestern Steel and Wire Company, a corporation, Pacific States Steel Corporation, a corporation, Pittsburgh Tool Steel Wire Company, a corporation, Pittsburgh Tube Company, a corporation, The Pollak Steel Company, a corporation, Reeves Steel and Manufacturing Company, a corporation, John A. Roebling's Sons Company, a corporation, Rotary Electric Steel Company, a corporation, The Standard Tube Company, a corporation, Superior Steel Corporation, a corporation, Sweet's Steel Company, a corporation, The Thomas Steel Company, a corporation, The Timken Roller Bearing Company, a corporation, Universal-Cyclops Steel Corporation, a corporation, Vanadium-Alloys Steel Company, a corporation, Anchor Drawn Steel Company, a corporation, Vulcan-Crucible Steel Company, a corporation, The Western Automatic Machine Screw Company, a corporation, Wheatland Tube Company, a corporation, Wisconsin Steel Company, a corporation, and Wyckoff Steel Company, a corporation, and their respective officers, agents, representatives and employees, in, or in connection with, the offering for sale, sale and distribution in interstate commerce of the steel products involved in this proceeding (hereinafter called steel products) do forthwith cease and desist from entering into any planned common course of action, understanding or agreement between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, and from cooperating in, carrying out or continuing any such planned common course of action, understanding or agreement, to do or perform any of the following things:

(1) Adopting, establishing, fixing or maintaining prices or any element thereof at which steel products shall be quoted or sold, including but not limited to base prices, the extras which shall be added to, or the deductions which shall be made from, any base price for any specified characteristic, or loading charge or delivery charge or terms of discount, credit, or other conditions of sale.

(2) Collecting, compiling, circulating, or exchanging between or among respondents, or any of them, a list or lists of base prices or of prices by any other designation, or extra charges thereto or deductions therefrom for any specified characteristic or quantity of steel products or services connected therewith used or to be used in computing prices or price quotations of steel products; or using, directly or indirectly, as a factor in computing price quotations or in making, quoting or charging prices any such list or lists so collected, compiled, circulated or exchanged.

(3) Collecting, compiling, circulating or exchanging between or among respondents, or any of them, a list or lists of freight rate factors, transportation charges or other charges relating to transportation or loading or other services connected therewith, used or to be used in computing prices or price quotations of steel products, or using, directly or indirectly, as a factor in computing price quotations any such list or lists so collected, compiled, circulated or exchanged.

(4) Formulating, devising, adopting, establishing, fixing or maintaining methods or practices of quoting and selling steel products to railroads or other particular classes of customers.

(5) Quoting or selling steel products at prices calculated or determined pursuant to, or in accordance with, any system or formula which produces identical price quotations or prices or delivered costs, or which establishes a fixed relationship among price quotations or prices or delivered costs, or which prevents purchasers from securing any advantage in price in dealing with one or more of the respondents as against any of the other respondents.

(6) Failing to quote or to sell and deliver any steel products f. o. b. at the plant of manufacture thereof.

(7) Causing to be done any of the things described in the preceding subparagraphs (1) through (6) through action of respondent American Iron and Steel Institute or any subdivision or committee of said Institute or any individual, or other corporation or organization.

II. *It is further ordered,* That each of the respondents do forthwith cease and desist from acting, individually or otherwise, so as knowingly to contribute to the maintenance or operation of any planned common course of action, understanding or agreement between and among any two or more of the respondents or between any one or more of them and others not parties hereto through the commission of any of the acts, practices or things prohibited by subparagraphs (1) through (6) of Paragraph I of this order.

III. *Provided, however,* That, in interpreting and construing the foregoing provisions of this order, it is understood that:

(1) The Federal Trade Commission is not considering evidence of uniformity of prices or any element thereof of two or more sellers at any destination or destinations alone and without more as showing a violation of law.

(2) The Federal Trade Commission construes the phrase "planned common course of action" and the word "continuing" contained in this order as interpreted by the Supreme Court in F. T. C.

v. Cement Institute, 333 U. S. 683, at page 728, and by the Court in American Chain & Cable Co. v. F. T. C. (C. A. 4th 1944), 139 F. 2d 622.

(3) The Federal Trade Commission is not acting to prohibit or interfere with delivered pricing or freight absorption as such when innocently and independently pursued, regularly or otherwise, with the result of promoting competition.

(4) The findings and the conclusion which the Federal Trade Commission has made in this case have been expressly set forth in the Findings as to the Facts and Conclusion that precede this order and are complete.

(5) Nothing contained in this order or the understandings in connection herewith shall be construed to affect (a) the duty, authority or power of the Federal Trade Commission under the provision of section 5 (b) of the Federal Trade Commission Act to reopen this proceeding and alter, modify or set aside in whole or in part any provision of this order whenever in the opinion of the Federal Trade Commission conditions of fact or of law have so changed as to require such action or if the public interest, shall so require, nor to prevent representatives of either the Federal Trade Commission or of the respondents or any of them from moving to so alter, modify or set aside in whole or in part any provision of this order; or (b) any such right as the respondents, or any of them, may have under the law to question or contest any such action by the Commission in so reopening this proceeding or in so altering, modifying or setting aside this order, either before the Commission or upon review or otherwise in any competent court.

IV. *It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: August 10, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-12224; Filed, Oct. 10, 1951; 8:51 a. m.]

[Docket 5874]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SANITARY FEATHER CO.

Subpart—*Misbranding or mislabeling:* § 3.1185 *Composition;* § 3.1265 *Old, secondhand, reclaimed or reconstructed product as new.* In connection with the offering for sale, sale and distribution of pillows in commerce, (1) misrepresenting in any manner or by any means, directly or by implication, the materials of which respondent's pillows are made; or, (2) representing as composed of new material any pillow which is in fact composed in whole or in part of used or secondhand material; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45). [Cease and desist order, Daniel Huttner d. b. a. Sanitary Feather Company, Docket 5874, August 16, 1951].

In the Matter of Daniel Huttner d. b. a. Sanitary Feather Company

This proceeding was heard by William L. Pack, trial examiner, upon the complaint of the Commission, and a stipulation whereby it was stipulated and agreed that a statement of facts executed by counsel supporting the complaint and counsel for respondent might be taken as the facts in the proceeding and in lieu of evidence in support of and in opposition to the charges stated in the complaint, and that such statement might serve as the basis for findings as to the facts and conclusion based thereon and an order disposing of the proceeding.

While counsel for respondent reserved in the stipulation the right to file proposed findings and conclusions and to argue the matter orally before the trial examiner, such reservations were subsequently waived, and it was further provided in the stipulation that upon appeal to or review by the Commission, the stipulation might be set aside by the Commission and the matter remanded for further proceedings under the complaint.

Thereafter the proceeding regularly came on for final consideration by the trial examiner upon the complaint (no answer having been filed by respondent) and stipulation, which was approved by the trial examiner, and said trial examiner, after duly considering the record in the matter and finding the proceeding in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provision of said Rule XXII became the decision of the Commission on August 16, 1951.

The said order to cease and desist is as follows:

It is ordered, That the respondent, Daniel Huttner, individually and trading under the name Sanitary Feather Company or trading under any other name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of pillows in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting in any manner or by any means, directly or by implication, the materials of which respondent's pillows are made.

2. Representing as composed of new material any pillow which is in fact composed in whole or in part of used or secondhand material.

By "Decision of the Commission and order to file report of compliance", Docket 5874, August 16, 1951, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: August 16, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-12225; Filed, Oct. 10, 1951; 8:51 a. m.]

[Docket 5875]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

H. T. POINDEXTER & SONS MERCHANDISE CO.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act.* In connection with the introduction into commerce or the offering for sale, sale or distribution in commerce, of wool products as defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", misbranding such products, (1) by using the unqualified word "wool" to designate or describe the constituent fibers of any product when such fibers are not, in fact, wool as defined in the Wool Products Labeling Act of 1939; or, (2) by failing to affix securely to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, H. T. Poindexter & Sons Merchandise Company, Docket 5875, August 16, 1951]

This proceeding was heard by William L. Pack, trial examiner, upon the complaint of the Commission, respondent's answer thereto, and a stipulation whereby it was stipulated and agreed that a statement of facts executed by counsel supporting the complaint and counsel for respondent might be taken as the facts in the proceeding and in lieu of evidence in support of and in opposition to the charges stated in the complaint, and that such statement of facts might serve as the basis for findings as to the facts and conclusion based thereon and an order disposing of the proceeding, without presentation of proposed findings and conclusions or oral argument, it being further provided therein that upon appeal to or review by the Commission, the stipulation might be set aside by the Commission and the matter remanded for further proceeding under the complaint.

Thereafter the proceeding regularly came on for final consideration by the trial examiner upon the complaint, answer, and stipulation (together with certain affidavits attached thereto), and the trial examiner, having approved the stipulation, and having duly considered the record in the matter, and found the proceeding in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on August 16, 1951.

The said order to cease and desist is as follows:

It is ordered, That the respondent, H. T. Poindexter & Sons Merchandise Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce or the offering for sale, sale or distribution in commerce, as "commerce" is defined in the aforesaid acts, of wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", as those terms are defined in said act, do forthwith cease and desist from misbranding such products:

1. By using the unqualified word "wool" to designate or describe the constituent fibers of any product when such fibers are not, in fact, wool as defined in the Wool Products Labeling Act of 1939.

2. By failing to affix securely to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By "Decision of the Commission and order to file report of compliance", Docket 5875, August 16, 1951, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: August 16, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary*.

[F. R. Doc. 51-12226; Filed, Oct. 10, 1951; 8:52 a. m.]

[Docket 5880]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DEKLE BROKERAGE COMPANY, INC., AND ARTHUR U. DEKLE

Subpart—*Discriminating in price under section 2, Clayton Act as amended—Payment or acceptance of commission, brokerage or other compensation under 2 (c):* § 3.820 *Direct buyers.* In connection with the purchase of fruit, vegetables and other produce in commerce, receiving or accepting, directly or indirectly, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, from any seller on or in connection with purchases made from such seller (a) when such purchases are made for respondents' own account; or, (b) when such purchases are made as agent or buying representative of the purchaser; or, (c) when, in making such purchases, respondents are acting in fact for or in behalf of, or are subject to the direct or indirect control of, the purchaser; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Dekle Brokerage Company, Inc., et al., Docket 5880, August 16, 1951]

In the Matter of Dekle Brokerage Company, Inc., a Corporation, and Arthur U. Dekle, Individually and as President of Dekle Brokerage Company, Inc.

This proceeding was heard by Frank Hier, trial examiner, upon the complaint of the Commission and the respondents' answer thereto, in which they admitted all the material allegations of fact set forth in the complaint, waived further notice and consented to entry of an order to cease and desist from the violations there charged.

Thereafter the proceeding regularly came on for final consideration by said trial examiner, theretofore duly designated by the Commission, upon said complaint and answer, and said trial examiner, having duly considered the record in the matter, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on August 16, 1951.

The said order to cease and desist is as follows:

It is ordered, That Dekle Brokerage Company, Inc., a corporation, and its officers, and Arthur U. Dekle, individually and as president of Dekle Brokerage Company, Inc., and their respective representatives, agents and employees, directly or through any corporate or other device in connection with the purchase of fruits, vegetables and other produce in commerce, as "commerce" is defined in the Clayton Act as amended, do forthwith cease and desist from receiving or accepting, directly or indirectly, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, from any seller on or in connection with purchases made from such seller:

(a) When such purchases are made for respondents' own account, or

(b) When such purchases are made as agent or buying representative of the purchaser, or

(c) When, in making such purchases, respondents are acting in fact for or in behalf of, or are subject to the direct or indirect control of, the purchaser.

By "Decision of the Commission and order to file report of compliance", Docket 5880, August 16, 1951, which announced and decreed fruition of said

initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 16, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-12227; Filed, Oct. 10, 1951; 8:52 a. m.]

[Docket No. 5508]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN IRON & STEEL INSTITUTE ET AL.; ORDER MODIFYING ORDER TO CEASE AND DESIST

This matter having come on to be heard by the Commission upon the joint motion of counsel supporting the complaint and counsel representing all the respondents, that the order to cease and desist issued herein on August 10, 1951, be modified by striking therefrom Inland Steel Products Company (name formerly Milcor Steel Company), a corporation, as a respondent against which said order was directed; and

The Commission having duly considered said motion and the record herein and it appearing that the evidence taken in this proceeding shows that Inland Steel Products Company (name formerly Milcor Steel Company) has not engaged in the sale of the products involved in this proceeding and by virtue of that fact has not participated in the practices found and described in the findings as to the facts entered in this proceeding but through inadvertence said company was named as a party against which the order to cease and desist entered herein was directed:

It is ordered, That the order to cease and desist heretofore entered in this proceeding be, and it hereby is, modified by striking therefrom Inland Steel Products Company (name formerly Milcor Steel Company), a corporation, as a respondent against which said order was directed.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to Inland Steel Products Company (formerly Milcor Steel Company), a corporation.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45)

Issued: September 5, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-12228; Filed, Oct. 10, 1951; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 713—NAVAL RESERVE

MISCELLANEOUS AMENDMENTS

1. Section 713.1204 (f) is amended to read as follows:

(f) (1) Qualifications in submarines will be indicated by appending the letters SS, SG, or SP to the officers' basic service classification designators, where appropriate, during such time as the officers concerned are so qualified.

Examples:
DESS. DE, qualified as SS.
DSG. D, qualified as SG.
ESP. E, qualified as SP.

(2) These qualifications in submarines are designated as follows:

SS. Officers qualified in submarines pursuant to article C-7304 (BuPers Manual).
SG. Officers qualified in submarines (limited).
SP. Officers qualified for submarine training.

2. Section 713.1204 (h) is amended to read as follows:

(h) (1) Qualifications in submarines will be indicated by appending the letters SS, SL, SG, or SP to enlisted men's rate designators, where appropriate, during such time as the men concerned are so qualified.

Examples:
GM1SS.
BT1SG.

(2) The qualifications in submarine are designated as follows:

SS. Men qualified in submarines pursuant to article C-7608 (BuPers Manual).
SL. Men previously qualified in submarines whose qualifications have lapsed.
SG. Men qualified in submarine (limited).
SP. Men qualified for submarine training.

3. Section 713.1208 is amended to read as follows:

§ 713.1208 *Composition of Merchant Marine Reserve.* (a) The Merchant Marine Reserve shall be composed of personnel of the Naval Reserve who follow, or who have within 3 years followed, the sea as a profession; who are employed in connection with the seafaring profession; or who are desirable for training for service on board public vessels of the United States, or such other seagoing vessels documented under the laws of the United States as may be approved by the Secretary of the Navy.

(b) The officers of the Merchant Marine Reserve shall be divided into classes designated as follows:

DM. Deck officers, qualified for duty afloat or ashore.
DML. Deck officers, not qualified for all duties ashore or afloat.
EM. Engineer officers, qualified for duty afloat or ashore.
EML. Engineer officers, not qualified for all duties ashore or afloat.
DEM. Deck and engineer officers, qualified for general service.
SDM. Special service, deck officers, not qualified for all deck duties afloat or ashore.
SEM. Special service, engineer officers, not qualified for all engineering duties afloat or ashore.
SDEM. Special service, deck and engineer officers, not qualified for all deck and engineering duties afloat or ashore.
SCM. Supply officers, qualified for duties relating to the Supply Corps.
MCM. Medical officers, qualified to perform the duties of officers in the Medical Corps;
MIDSHIPMEN MMR. Midshipmen, Merchant Marine Reserve, designated as such for officer training for classes DM or EM. (Specialty designators used by other classes of the Naval Reserve will be assigned by the Bureau, when necessary, to indicate special qualifications.)

4. Section 713.1306 is amended to read as follows:

§ 713.1306 *Tables of organization of the Naval Reserve.* At the beginning of each fiscal year, subject to approval by the Chief of Naval Operations and the Secretary of the Navy, "Tables of Organization for the Naval Reserve" shall be promulgated by the Chief of Naval Personnel which shall include the following information and such other information as may be deemed necessary from time to time:

(a) The location at which organizations of the Naval Reserve are authorized, the organization designations and the authorized strength of the several types of organizations;

(b) The maximum number of drills, periods of equivalent instruction or duty or appropriate duties, either singly by type or by combination of types, which may be performed with pay by personnel of the Organized Reserve;

(c) The maximum number of drills, periods of equivalent instruction or duty or appropriate duties, either singly by type or by combination of types, which may be performed without pay by personnel of the Volunteer Reserve;

(d) The maximum number of periods of appropriate duty which may be performed with pay by members of the Volunteer Reserve and limitation as to numbers of personnel who may perform them;

(e) The maximum number of days of training duty with pay which may be performed by members of the Naval Reserve;

(f) The maximum number of days of training duty without pay and with or without expense to the Government for travel and subsistence which may be performed by members of the Naval Reserve;

(g) The organizations, the command of which entitles commanding officers thereof to receive extra compensation for performing administrative duties connected therewith and the amount of compensation for each type of organization;

(h) The minimum number of regular drills, periods of equivalent instruction or duty or appropriate duties which must be completed by organizations during one fiscal year or quarter before the personnel thereof can qualify for pay;

(i) The minimum standards which must be met by organizations before a drill or period of equivalent instruction or duty or appropriate duty may be credited for pay purposes to the personnel thereof;

(j) The forms of hazardous duty which may be performed by members of

the Naval Reserve on inactive duty and limitation as to who may perform them.

5. Section 713.1308 (c) is amended to read as follows:

(c) Electronic Warfare companies and platoons which are authorized to train at Naval Reserve training centers will be under the command of the senior Organized Reserve unit commander for administrative and military purposes. Companies and platoons not training at Naval Reserve training centers will report directly to the commandants concerned.

6. Section 713.1403 (b) is amended to read as follows:

(b) The administrative duties required of commanding officers include matters with respect to maintenance of required records, submission of required reports, and the discipline, training, and welfare of personnel under their command.

7. Section 713.1405 (k) is amended to read as follows:

(k) Supervises the procurement of training centers and equipment for shore instruction (except aviation).

8. Section 713.1408 is amended to read as follows:

§ 713.1408 *Merchant Marine Reserve flag.* (a) A suitable flag has been prescribed by the Secretary of the Navy which may be flown from the mainmast of seagoing vessels, documented under the laws of the United States, as an emblem of the Merchant Marine Reserve under the warrant issued for each such vessel by the Secretary of the Navy. Such flag may not be flown in lieu of the National Ensign.

(b) In order to be eligible for such warrant, the vessel must first have been determined by the Chief of Naval Operations as suitable for service as a naval auxiliary in time of war and so designated by the Secretary of the Navy. In addition, the master or commanding officer and not less than 50 per centum of the other licensed officers must be members of the Navy or the Naval Reserve.

(c) When any vessel which has been authorized to fly the Merchant Marine Reserve flag is for any reason no longer eligible to fly same, the warrant of authorization shall be returned to the Chief of Naval Operations for cancellation.

9. Section 713.1409 is amended to read as follows:

§ 713.1409 *Naval Reserve yacht pennant.* (a) A suitable pennant has been prescribed by the Secretary of the Navy which may be flown as an emblem of the Naval Reserve on yachts and similar vessels documented under the laws of the United States, under a warrant issued for each such craft by the Secretary of the Navy. Such pennant may not be flown in lieu of the National (or yacht) Ensign.

(b) In order to be eligible for such warrant, the craft must first have been determined by the Chief of Naval Operations as suitable for service as a naval auxiliary in time of war, and so designated by the Secretary of the Navy, and the master or owner must be an officer of the Navy or the Naval Reserve.

(c) When any craft which has been authorized to fly the Naval Reserve yacht pennant is for any reason no longer eligible to fly same, the certificate of authorization shall be returned to the Chief of Naval Operations for cancellation.

10. Section 713.1411 is amended to read as follows:

§ 713.1411 *Ship and station keepers.* (a) The term "ship and station keepers" as used in this section applies to enlisted reservists (including Fleet Reservists) in an active duty status for the purpose of maintaining Naval Reserve training vessels and ashore training facilities and instructing Naval Reserve personnel. Personnel allowances covering these Naval Personnel will be issued by the Chief of Naval Personnel to each Naval District, River Command and Air Station or Air Reserve Training Unit concerned.

(b) The Commandants of Naval Districts, River Commands, and the Chief of Naval Air Reserve Training may authorize subsistence allowances or quarters allowances, or both, for enlisted ship and station keepers, in accordance with the provisions of Part A, Bureau of Naval Personnel Manual.

(c) When authorized, Regular Navy personnel may be assigned duty as ship and station keepers.

(d) Ship and station keepers are to be subsisted in general mess either afloat or ashore when practicable. They shall be furnished quarters either afloat or ashore whenever such quarters are available for them.

11. Section 713.1508 is amended to read as follows:

§ 713.1508 *Date of rank of former officers of Navy or Coast Guard appointed in Naval Reserve.* (a) Former officers of the Navy or Coast Guard who are appointed in the Naval Reserve in the same grades or ranks held in the Regular Navy or Coast Guard as a result of applications therefor submitted within 3 months from date of resignation from the Navy or Coast Guard, shall be given the same dates of rank in their Naval Reserve commissions as held by them in the Navy or Coast Guard.

(b) Former officers of the Regular Navy or Coast Guard appointed in the Naval Reserve in lower ranks or grades than those last held by them in the Navy or Coast Guard, under the provisions of Chapter 2, Part H, Bureau of Naval Personnel Manual, whose applications therefor were made within 3 months of separation from the Navy or Coast Guard, shall be given dates of rank in their Naval Reserve commissions as of the dates previously held by them in the corresponding ranks or grades in the Regular Navy or Coast Guard.

(c) Former officers of the Regular Navy or Coast Guard appointed in the Naval Reserve as a result of applications submitted more than 3 months from date of separation from the Navy or Coast Guard, shall be given dates of rank in their Naval Reserve commissions in accordance with dates or receipt of applications in the Bureau of Naval Personnel.

(d) Former officers of the Regular Navy or Coast Guard who request appointment in the Naval Reserve more than 3 years after separation from the Navy or Coast Guard will be treated as civilian applicants and appointed in the grade as indicated by their age. Date of rank will be the date their application is received in the Bureau of Naval Personnel.

12. Section 713.1601 is amended to read as follows:

§ 713.1601 *Physical examination of officers; when required.* (a) A candidate for appointment as an officer is required to take a physical examination.

(b) Naval Reserve officers are required to take physical examinations for:

(1) *Promotion.* The candidate must be found physically qualified or have defects waived, prior to commencement of the professional examination.

(2) *Active or training duty and release therefrom.* Except as provided for repeated periods of training or other duty and short periods of group training duty, a Naval Reserve officer is required to take a physical examination prior to or upon reporting for active or training duty and to be found physically qualified to perform active duty. A report of such examination shall be made on Standard Form 88 in cases where the period of duty will exceed thirty (30) days. Upon completion of active or training duty for any length of time, the officer will be examined physically for release therefrom.

(3) *Quadrennially.* As indicated in § 713.1602.

(4) *For duty involving flying.* A candidate for appointment, promotion, active duty or training duty involving flying must be examined and found to be physically and otherwise qualified to perform duty in his particular flight category based on standards prescribed in the Manual of the Medical Department, U. S. Navy. When required by that manual, report of such examination should be made on Standard Form 88.

(5) *Transfer from inactive status list.* An officer on the inactive status list must be examined and found physically qualified for active service prior to transfer from such list.

(6) *Special examinations as directed.* Special examinations and examinations by boards of medical survey may be ordered as required or at the request of a Reserve officer to determine his physical fitness for rentention, retirement or discharge, or other disposition.

(c) Officers on active duty shall report for physical examination annually in accordance with requirements for officers of the Regular Navy.

13. Section 713.1602 is amended to read as follows:

§ 713.1602 *Quadrennial physical examinations of officers.* (a) Officers of the Naval Reserve including those on the inactive status list shall be examined at least once during each 4-year period. Such 4-year period will be considered as commencing on the day following the date upon which an extensive

physical examination was conducted. Upon the occasion of this physical examination, any officer found not physically qualified for active service shall be honorably discharged or, within the discretion of the Secretary of the Navy, placed on the honorary retired list. In determining an officer's qualifications for active service, due consideration shall be given to the character of duty contemplated for the officer in event of war or national emergency and, where appropriate, recommendation to this effect, based on § 713.1607 (g), shall be made in each case.

(b) Commandants concerned and the Chief of Naval Air Reserve Training will ascertain when officers under their jurisdiction will become due for their next quadrennial physical examination. They shall notify officers concerned at least sixty (60) days in advance of the dates on which they will become due for the quadrennial physical examination. Failure of officers, so notified to appear for this physical examination within thirty (30) days following the dates on which they become due therefor will subject them to the provisions of § 713.6202.

14. Section 713.1604 is amended to read as follows:

§ 713.1604 *Physical examinations; enlisted personnel.* (a) Applicants for enlistment, reenlistment, or extension of enlistment in the Naval Reserve, except as provided in paragraph (b) of this section, shall be examined physically by a medical officer of the Navy or Naval Reserve, based on standards prescribed in § 713.1606. If a medical officer of the Navy or Naval Reserve is not available without incurring expense to the Government, such examinations may be conducted by regular or reserve medical officers of the Department of the Army or of the Department of the Air Force. Immunization to certain disease is also required. (See § 713.2409 (a).)

(b) The Chief of Naval Personnel may waive the requirement for physical examination at time of enlistment, reenlistment, or extension of enlistment. (See § 713.2404 (d) (2).) However, reservists who were not examined physically at time of enlistment, reenlistment,, or extension of enlistment, shall not receive any training or perform any duties whatsoever in their Naval Reserve status until their physical fitness therefor is first determined, based on standards for enlistment or reenlistment. Failure to meet prescribed standards at such time will result in discharge of individuals concerned based on authority contained in § 713.6206.

(c) Except as provided in § 713.1605 (a), and subject to § 713.1605 (b), enlisted reservists are required to be examined physically by a medical officer of the Navy or Naval Reserve or by other medical officers described in paragraph (a) of this section, prior to or upon reporting for active or training duty, with or without pay, and to be found physically qualified to perform active duty. Prior to detachment from ship or station for release from active or training duty, they shall be given a physical examination to determine whether their health has been adversely affected by performance of such duty.

(d) Appropriate entries of physical examinations conducted on occasions described in paragraphs (a) and (c) of this section shall be made in the health record of the individual concerned.

15. Section 713.1605 is amended to read as follows:

§ 713.1605 *Physical examination for repeated period of training duty or other duty, group training duty, and training duty of 30 days or less.* (a) Members of the Naval Reserve whose physical fitness, based on standards prescribed in § 713.1606, was established by one of the examinations prescribed in § 713.1601 or § 713.1604, within the last four years, need not be examined physically in each instance prior to performing "appropriate duty", "group training duty" or "repeated periods of training duty", nor upon completion thereof, except where injury, sickness or disease is incident thereto. It is required, however, that all reservists be immunized to certain diseases (see § 713.2409 (a)) and that reservists authorized to perform duty involving actual control of aircraft shall have passed a satisfactory flight physical examination within twelve (12) months immediately preceding the actual control of aircraft if they are members of organizations under the jurisdiction of the Chief of Naval Air Reserve Training, otherwise the interval between flight physical examinations shall be six (6) months.

(b) Except as provided in paragraph (a) of this section, members of the Naval Reserve who are ordered to perform annual training duty shall not be required to take an "extensive" physical examination (Standard Form No. 88 not required) in event their physical fitness, based on standards prescribed in § 713.-1606, was determined on occasions described in § 713.1601 and § 713.1604, nor upon completion thereof, except in cases where injury, sickness or disease is incident thereto. The extent of physical examination to be given shall be sufficient for the medical examiner to determine that the individual is physically qualified to perform duties assigned, and is free from infectious or contagious disease. It is required, however, that all reservists be immunized to certain diseases (see § 713.2409 (a)) and that reservists authorized to perform duty involving the control of aircraft shall have passed a satisfactory flight physical examination within twelve (12) months immediately preceding the actual control of aircraft if they are members of organizations under the jurisdiction of the Chief of Naval Air Reserve Training, otherwise the interval between flight physical examinations shall be six (6) months.

(c) A report of the physical examination referred to in paragraph (b) of this section, shall be recorded in the health record of each individual concerned, as follows:

Examined and found (not) physically qualified for training duty. Following defects noted _____.

Examined and found (not) physically qualified for release from training duty. Following defects noted _____.

(d) In the event that officers fail to pass the physical examination required above, the provisions of § 713.1607 (h) shall be complied with.

(e) In the event that injury, sickness or disease is incurred by any member of the Naval Reserve while performing active duty, training duty, or other duty, an appropriate entry shall be made in his health record and on his orders, and required reports shall be submitted.

16. Section 713.1606 is amended to read as follows:

§ 713.1606 *Physical standards.* (a) Physical standards prescribed in the Manual of the Medical Department, U. S. Navy, are applicable alike to the Naval Reserve and the Regular Navy and subject to paragraph (b) of this section will be rigidly adhered to in determining an individual's physical fitness for appointment, enlistment or retention in the Naval Reserve. Prior to performing active or training duty, a reservist in addition to being physically qualified for active service, must be immunized to certain diseases in accordance with the requirements set forth in the Manual of the Medical Department, and must have no infectious or contagious disease.

(b) In order to procure the large numbers of personnel required in the Naval Establishment in time of war or national emergency non-organic physical defects may be waived. Requests for waiver of such defects should be forwarded to the Bureau of Naval Personnel via the Bureau of Medicine and Surgery. Such requests should be held to a minimum consistent with procurement needs, but in any case should be limited to cases wherein an individual's potential worth to the Navy outweighs his inability to meet prescribed physical standards. Such factors as age, prior naval or military service, educational background, civilian occupational skills and the exact nature of duties contemplated for an individual will largely influence decisions in such cases. Disqualifying defects of an organic nature, which are described in the Manual of the Medical Department, U. S. Navy, will not be waived. Requests for waiver of organic defects should not be submitted unless doubt exists as to the true aspects of defects present.

17. Section 713.1607 is amended to read as follows:

§ 713.1607 *Reports and records of physical examinations.* (a) The result of every physical examination shall be entered in the Reservist's health record and will become a part of his medical history.

(b) Except as provided in paragraph (d) of this section and in § 713.1605 (b), the results of all physical examinations of officers shall be reported on Standard Form 88, the original and one copy being forwarded to the Bureau of Medicine and Surgery.

(c) The results of physical examinations for appointments or duty involving flying in the various flight categories will, when specifically directed by the Manual of the Medical Department, U. S. Navy, be reported on Standard Form 83.

(d) If officers are physically qualified for retention in the Naval Reserve, the results of their quadrennial physical examinations shall be reported on form NavMed H–8 (non-disqualifying defects to be reported) over the signature of the medical officer. If they are not physically qualified for all of the duties of their rank at sea and on foreign shore, the results of their quadrennial physical examinations shall be reported on Standard Form 88.

(e) Reports of physical examinations for promotion of officers of the Organized Reserve and Volunteer Reserve when conducted by medical examining boards shall accompany the proceedings of the professional examination, which shall be forwarded in accordance with § 713.3503.

(f) Reports of all physical examinations for appointment to all classes of the Volunteer Reserve and for promotion in the Merchant Marine Reserve shall accompany the candidate's application.

(g) The reports of medical examining boards shall be made on Standard Form 88. No other papers will be required. These forms should clearly indicate the purpose of the examination and a notation should appear under the signatures of the medical examiners indicating that they are members of a board.

(h) If an officer is found not physically qualified for active service, the report of physical examination in his case shall be forwarded to the Bureau of Naval Personnel via the cognizant commandant or the Chief of Naval Air Reserve Training who shall recommend appropriate administrative disposition, and via the Bureau of Medicine and Surgery for recommendation as to physical qualification.

18. Section 713.1702 (a) is amended to read as follows:

(a) Within training quotas prescribed by the Chief of Naval Personnel (see § 713.1406), commandants of naval districts and river commands and the Chief of Naval Air Reserve Training or such officers as they may designate are authorized to order enlisted personnel to perform training duty with pay including transportation to and from such duty (see § 713.7102) and hazardous duty incentive pay (see § 713.7203). Flight orders and revocations thereof, however, will be issued by the commanding officer under whom serving.

19. Section 713.1703 (a) is amended to read as follows:

(a) Short periods of training duty without pay of less than 4 days duration may be ordered to be performed by organizations or groups of Naval reservists in vessels or at shore activities. Authorization to perform such training duty must be in the form of written orders which are prepared prior to commencement of training. These orders may be issued by the commandant concerned, the Chief of Naval Air Reserve Training or by officers designated by them. Employment of a single set of orders is authorized for individuals comprising a group, provided the grade or rate, class, organization to which attached, if any, is stated therein opposite their respective names.

20. Section 713.1704 (a) is amended to read as follows:

(a) Except in the cases of Naval Reservists who voluntarily agree to perform active duty for stipulated periods in time of peace, such personnel shall not be ordered to or continued on active or training duty without their own consent. Except as provided for in § 713.6103, they shall be released from duty on the dates stated in their orders or at such time prior thereto as they may request.

21. Section 713.1705 is amended to read as follows:

§ 713.1705 *Orders to personnel to active duty in time of peace.* (a) Orders to Naval Reserve officers who are to be placed on active duty other than training duty during time of peace will be issued by the Bureau of Naval Personnel.

(b) Orders to enlisted personnel who are to be placed on active duty, other than training duty, during time of peace, will be issued by the commandants of naval districts, river commands to which attached, or by the Chief of Naval Air Reserve Training in accordance with quotas for such duty authorized by the Bureau of Naval Personnel. Flight orders and revocations thereof, however, will be issued by the commanding officer under whom serving and a copy forwarded to the Bureau of Naval Personnel.

(c) Before being placed on active duty, officers and enlisted personnel shall be physically qualified therefor in accordance with the provisions of §§ 713.1601 (b), 713.1604 (b), 713.1607 (c).

(d) When so placed on active duty, officers and men will devote their whole time to the duty to which ordered.

(e) Women shall not be assigned to duty in vessels of the Navy except hospital ships and Naval transports, nor shall they be assigned to duty in aircraft while such aircraft are engaged in combat missions.

22. Section 713.1707 is amended to read as follows:

§ 713.1707 *Orders to personnel to active duty in time of war or national emergency.* (a) Any member of the Naval Reserve, including those on the honorary retired list or who may have retired, may be ordered to active duty by the Secretary of the Navy in time of war, or when, in the opinion of the President, a national emergency exists, and may be required to perform active duty throughout the war or until the national emergency ceases to exist.

(b) Orders to officers and enlisted personnel for the performance of the above duty will be issued by the Bureau of Naval Personnel or under the Bureau's instructions by commandants or the Chief of Naval Air Reserve Training having cognizance or by other designated officers acting under the Bureau's instructions.

(c) When so placed on active duty, officers and enlisted personnel shall not engage in private employment or enterprise which will interfere in any way with their naval duties.

(d) Women shall not be assigned to duty in vessels of the Navy except hospital ships and Naval transports, nor shall they be asigned to duty in aircraft while such aircraft are engaged in combat missions.

23. Section 713.1801 is amended to read as follows:

ADDRESSES, OFFICIAL RESIDENCE, RECORDS, CORRESPONDENCE AND REPORTS

§ 713.1801 *Official designation of personnel.* (a) In official correspondence, orders, etc., where it is important that the classification of officers and enlisted personnel be indicated, they shall be designated in accordance with the current Bureau of Naval Personnel officers and enlisted personnel classification tables in the manner indicated in the following examples:

(1) A lieutenant (junior grade) of class A3 (aviation flight officer of Organized Reserve): Lt. (jg) Paul R. Smith, A3, U. S. N. R.–O.

(2) A lieutenant of class EM (engineer officer of Merchant Marine Reserve): Lt. Robert A. Brown, EM, U. S. N. R.

(3) A lieutenant commander of class MCS (medical officer of Volunteer Reserve, special service): Lt. Comdr. William H. Johnson, MCS, U. S. N. R.

(4) A chief boatswain of class O (chief warrant officer of Organized Reserve): Chief Boatswain Thomas D. Smith, D, U. S. N. R.–O.

(5) A machinist of class E (warrant officer of Volunteer Reserve): Machinist George L. White, E., U. S. N. R.

(6) A nurse of Volunteer Reserve, general service: Nurse Mary E. Peters, U. S. N. R.

(7) An enlisted man of class 01 (a man enlisted in the Organized Reserve (surface branch) for 4-year period or with extended enlistment): John Henry Jones, 130–50–72, BMC, 01, U. S. N. R.

(b) When it is unimportant that the class to which they belong be shown, officers and enlisted personnel may be designated merely as members of the Naval Reserve of the line and staff, similarly as for the Regular Navy, in the manner indicated in the following examples:

(1) Lt. (jg.) Paul R. Smith, U. S. N. R.

(2) Lt. Robert A. Brown, U. S. N. R.

(3) Lt. Comdr. W. H. Johnson (M. C.), U. S. N. R.

(4) Machinist George L. White, U. S. N. R.

(5) Nurse Mary E. Peters, U. S. N. R.

(6) John Henry Jones, BMC, U. S. N. R.

(c) The use of official naval titles by reserve personnel in inactive duty status is authorized.

24. Section 713.1807 (f) E is amended to read as follows:

E

Education. Enter on page 2, upon enlistment, a brief statement of educational advantages.

Effects of deceased persons and deserters. Enter on page 9 disposition made of effects of deceased persons and deserters and whether they were on active duty or training duty. If on active duty complete page 11A (NavSandA Form 514).

Enlistments, assignments to class F2 and transfers to classes F4 and F5 Fleet Reserve. Enter by typewriter on front cover full name, service number, citizenship, rate, date, class, place of enlistment, assignment, or transfer. Complete headings on pages 1 and 2, with signatures of recruiting officer and disbursing officer entered over their typewritten name in space provided. Page 4 completed under the supervision of the medical officer and signed by the officer and the recruit. On page 9 enter name in full, service number, class, rate, and date of enlistment, assignment or transfer.

Equivalent instruction or duty. Enter on page 8A, together with the number of drills performed (see Drills), the number of periods of equivalent instruction or duty performed. Enter quarterly, or upon transfer from one district to another, death, discharge, or transfer to another class, total number of drills and periods of equivalent instruction or duty performed since last report.

Examinations. Forward original report of examination to the Bureau of Naval Personnel as required by current instructions and file copy in pocket of service record.

Extensions. (1) When an extension agreement is executed as provided in article § 713.-2404 (d) (1) of the Bureau of Naval Personnel Manual for members of the inactive Naval Reserve, forward original of the form NavPers 604A to the Bureau of Naval Personnel.

(2) In cases of persons serving on active duty, copies of the form NavPers 604 will be disposed of as provided in article C–1406 (5) and (7) of the Bureau of Naval Personnel Manual. (See § 713.2404 (c).)

25. Section 713.1807 (f) R is amended to read as follows:

R

Rates. See change in rate.

Recall. See Active duty.

Reduction of rate. Enter on page 9 old rate, rate to which reduced, date, reason, and authority.

Reenlistments. Same as enlistment.

Reports. The only reports required by the Bureau of Naval Personnel of entries in the enlistment record, or of changes in the status of enlisted Reservists, are the following:

1. *Enlistment.* Upon enlistment, complete NavPers 603 (shipping article) and NavPers 680 (fingerprint record) and forward to the Bureau of Naval Personnel; also when applicable, NRB Form 24 (application for enlistment) and (NavPers NRB 18a (consent of parent or guardian).

2. *Active duty and training duty.* At date of release forward copy of "orders to report to active duty" to the Bureau of Naval Personnel, complete with all endorsements.

3. *Transfer between classes (enlisted men).*

4. *Notice of advancement or reduction in rate or rating (enlisted men).*

5. *Change of address.*

6. *Active duty as shipkeeper, training duty over 2 weeks, and other protracted periods of active duty.* On date of report for duty make entry on page 9 and forward copy to Bureau of Naval Personnel. On date of release do same.

7. *Examinations.* Forward original report of examination, NavPers 971, to the Bureau of Naval Personnel as required by current instructions; file copy in pocket of record.

8. *Desertion.* Make required entries in service record, Form NavPers 601, and forward to the Bureau of Naval Personnel.

9. *Surrender or delivery.* Fill out NavPers 641 and forward to the Bureau of Naval Personnel.

10. *Extension of enlistment.* (a) For members of the inactive Naval Reserve, fill out form NavPers 604A in duplicate, forward original to the Bureau of Naval Personnel and insert copy between appropriate pages 9 of service record.

(b) In the cases of persons serving on active duty, copies of the form NavPers 604 will be disposed of as provided in article C–1406 (5) and (7) of Bureau of Naval Personnel Manual. (See § 713.2404 (c).)

11. *Discharge, death, advancement to commissioned or warrant rank or grade.* Close out NavPers 601 and forward to the Bureau of Naval Personnel.

Retirements. When transferred members of the Fleet Reserve have been placed on the retired list, or other members of the Naval Reserve have been placed on the honorary retired list, enter on page 9 the date of retirement, reason for retirement, whether for physical disability or the completion of 30 years' service and the latest address. Enter final average of all marks on page 12 and forward copy to the Bureau of Naval Personnel.

26. Section 713.1808 is amended to read as follows:

§ 713.1808 *Marks for professional qualification.* Marks for professional qualifications shall include proficiency in rate and other qualifications for the various branches as specified in Part C (BuPers Manual).

27. Section 713.1810 is amended to read as follows:

§ 713.1810 *Fitness report and qualification questionnaire; officers.* (a) An officer's records are a vital part of his examination for promotion, or for assignment to another service classification, and the naval examining board is within its legal rights in disqualifying an officer whose record is incomplete.

(b) Fitness reports, complete in all respects, are required as follows:

(1) Officers on active duty, or training duty (with or without pay) other than short periods of group training duty, on the fitness report form currently prescribed for officers of the Regular Navy. An exception is made, however, in the cases of naval aviators of the Organized Reserve, who are from time to time throughout the year ordered to active duty in connection with the ferrying of aircraft. In such cases, the reporting senior will maintain a record of pertinent data in connection with each such period of active duty and will incorporate such data in the annual fitness reports for the officers concerned.

(2) Officers attached to or associated with units of the Organized or Volunteer Reserve will submit as of June 30 of each year an Annual Fitness Report for Naval Reserve Officers on Inactive Duty (Form NavPers 937), in duplicate, and an Annual Qualifications Questionnaire for Naval Reserve Officers on Inactive Duty (Form NavPers 319), in triplicate, to their reporting seniors for completion and forwarding direct to the Bureau of Naval Personnel. Copies of both of these reports shall be forwarded to the commandants concerned or to the Chief of Naval Air Reserve Training, as appropriate, for filing as follows: Fitness reports in officers' file jackets; qualification questionnaires in officers' qualification record jackets (Form NavPers 305).

Officers not attached to or associated with units of the Naval Reserve shall, annually, upon receipt of the necessary forms from the commandants concerned, submit only the Annual Qualification Questionnaire for Naval Reserve Officers on Inactive Duty (Form NavPers 319), in triplicate, to the commandant having custody of their records for forwarding to the Bureau of Naval Personnel. The last carbon copy will be retained by the commandants for inclusion in the officer's qualification record jacket (Form NavPers 305).

(3) When an officer is attached to or associated with a unit of the Organized or Volunteer Reserve, commanded by the officer who is junior to him, reports of fitness on such officer shall be completed by the first officer in the chain of command who is senior to the officer being reported upon.

(4) All active and training duty fitness reports (form prescribed for Regular Navy) shall be forwarded by the reporting officer direct to the Bureau of Naval Personnel.

(c) If any fitness report referred to in this section contains entries of an unsatisfactory or unfavorable nature, it shall be referred by the reporting senior to the officer reported on, for statement, before the report is forwarded for filing with his record. Failure to recommend the officer for promotion is not of itself unfavorable. Reporting seniors are encouraged to refer reports to officers for their inspection even though not considered unsatisfactory or unfavorable, whenever knowledge of such remarks based on lack of experience, etc., would be helpful to the officer in improving his fitness.

(d) Recommendations as to any action desired, such as discharge, transfer, or retirement, will not be included in the forwarding endorsements on annual fitness report forms, but shall be made subject of separate correspondence.

(e) In forwarding annual fitness reports for officers associated with units of the Organized Reserve, the reporting senior shall state whether or not the officer concerned has applied, while in a volunteer status, for training duty during the period since last report, and if refused, the reasons for such refusal. Such data included in one annual fitness report need not be repeated in the next annual fitness report. A summary of such information shall be included in forwarding endorsements on applications for promotion, or on special fitness reports at the time of examination for promotion.

28. Section 713.1812 is amended to read as follows:

§ 713.1812 *File numbers of personnel.* An officer's file number and an enlisted person's service number shall be indicated in the upper left-hand corner of all official correspondence concerning them and, in the case of women only, there shall be included with either of these numbers the distinguishing symbol: "W". Examples: 995279W; 999 99 88, W. Further information designed to distinguish them as individuals shall be indicated in the body of correspondence. (See article B–1104 (3) BuPers Manual.)

29. Section 713.1822 is amended to read as follows:

§ 713.1822 *Forms to be used.* (a) In time of war or national emergency, when members of the Naval Reserve are performing active duty, the same forms, where applicable, as used for Regular Navy personnel shall be used for the Naval Reserve.

(b) Whenever appropriate, forms prescribed for the regular Navy shall be used by the Naval Reserve in peacetime. However, the Chief of Naval Personnel may prescribe such additional forms as may be required for the peacetime administration of the Naval Reserve. Following is a list of forms which have been approved for such administration.

New Form No. and Title of Form

NavPers 319: Annual Qualification Questionnaire Naval Reserve officers on inactive duty.

NavPers 601: Page 8a and 8b (New 6/46)—Drill attendance Record and Report of Group Training.

NavPers 603 (A): Shipping Article (Naval Reserve).

NavPers 937: Annual Fitness Report, Naval Reserve officers on inactive duty.

NavPers 568: Naval Reserve Personnel Muster and Data Card.

NavPers 903: Beneficiary Slip, A1 and A2 officers (Naval Aviation Cadets Act, 1942).

NavPers 904: Identification card for members of Naval Reserve not on active duty.

NavPers 944: Report of investigation—Applicant for appointment U. S. Naval Reserve.

NavPers 953: Application for commission U. S. Navy or U. S. Naval Reserve.

NavPers 953 (A): Standard Questionnaire Applicants from service sources for appointment in Naval Reserve.

NavPers 953 (B): Merchant Marine Employment Record.

NavPers 956: Forwarding Endorsement on application for appointment in Naval Reserve.

NavPers 957: Endorsement Summary—Appointment in Naval Reserve.

NavPers 962: Letter of transmittal, acceptance and oath of office, Naval Reserve officers.

NavPers 971: Report of examination for advancement in rating, Naval Reserve.

NavPers 974 and 974A: Application for appointment as midshipman, Merchant Marine Reserve.

NavPers 978: Acceptance of appointment and oath of office as midshipman, Merchant Marine Reserve.

NavPers 979: Personal Biographical sketch.

NavPers 980: (Revised 5/47.) Monthly Drill Report, Naval Reserve units in drill pay status only.

NavPers 1407: (Revised 1/47.) Disability compensation and allowance affidavit.

NavPers: Naval Reserve enlisted classification questionnaire.

Letter: Application for Naval Reserve medal.

Letter: Change in officers official residence (to BuPers).

Letter: Excuse for failure to perform training duty.

Letter: Quarterly report to Bureau of Naval Personnel on status of allotments under the Naval Reserve appropriation.

Letter: Quarterly report to Bureau of Naval Personnel of reservists on active duty other than training.

Letter: Quarterly report of Commandant to Bureau of Naval Personnel on pay and subsistence, shipkeepers, and stationkeepers.

Letter: Report of annual training by divisions—when completed—by commanding officer of cruising ship.

Letter: Monthly report by Commandants of training duty not included in preceding report.

NavExUs 1126: Report of group IV (b) employees.

S&A 445: Uniform gratuity, officers, Naval Reserve.

S&A 458: Requisition for clothing and small stores, Naval Reserve.

CA1: Employee's notice of injury.

CA2: Official superior's report of injury.

CA3: Report of termination of disability.

CA4: Claim for compensation.

30. Section 713.1905 (b) is amended to read as follows:

(b) Only enlisted men of the Naval Reserve who meet the following requirements will be selected as a result of a competitive examination for appointment as midshipmen:

(1) Must be citizens of the United States who are not more than 21 years of age on April 1 of the year in which appointed. For personnel who have served honorably 1 year during World War II the age limit is raised to 23 years.

(2) Must have been in the Naval Reserve at least 1 year by July 1 of the year in which appointed. In this computation service in the Marine Corps Reserve shall be credited.

(3) Must be attached to or associated with an organization of the Organized Reserve and have maintained efficiency by attending therewith at least 27 drills or periods of equivalent instruction or duty during the period between July 1 of the year preceding appointment and the third Wednesday in the following April, which is the date of mental examination for admission. Not more than 7 of these periods may be periods of equivalent instruction or duty. Active service may be accepted in lieu of the required drill on the basis of 1 month's service on active duty as the equivalent of three drills with an organization of the Organized Reserve.

(4) Must have a good record.

(5) Must submit application on Form NavPers 2451 prior to October 1 of the year preceding appointment. Application must be submitted by reservists (active or inactive) via commanding officer and the cognizant commandant or the Chief or Naval Air Reserve Training, as appropriate. Each applicant must be given a preliminary physical examination by a medical officer of the Navy or Naval Reserve or by the "Board for Preliminary Physical Examination for Candidates for the Naval Academy" which is convened at each naval hospital. One copy of the report of this physical examination on Form NavMed Y, must be appended to each application and the remainder will be distributed as directed by the Manual of the Medical Department, U. S. Navy. Since applicant will incur considerable expense in preparatory study and travel, the advisability of appearing before the above named Board instead of before a single medical examiner should be suggested to each applicant, as the findings of this Board would predetermine to a greater extent his ability to pass the final physical examination at the Naval Academy which is conclusive for all purposes.

(6) Must be recommended by their commanding officers. No other recommendations are necessary. If a candidate is transferred prior to October 1 of the year preceding his competitive examination for appointment, the commanding officer of the organization from which he is being transferred will prepare all the reports and recommendations as required above and forward them via the organization to which the candidate is being transferred.

(7) Must take a competitive examination which is held on the third Wednesday in April of each year and is the regular examination given to candidates nominated for appointment as midshipmen.

(8) Must meet the same moral, mental, and physical requirements as are required of other candidates for appointment as midshipmen. Regulations governing the admission and sample examination papers may be obtained upon application to the Bureau of Naval Personnel through official channels.

31. Section 713.2106 (b) is amended to read as follows:

(b) All applications must show and be signed with the full legal names of applicants and be forwarded via the Bureau of Medicine and Surgery. They must be accompanied by or include the following:

(1) Evidence of citizenship as shown below:

(i) If native born:

(*a*) A duly verified copy of a public or church record of birth, or

(*b*) The affidavit, under oath, of the physician, midwife or other persons present at the birth.

(*c*) In cases where neither subdivisions (*a*) or (*b*) of this subparagraph can be obtained by the applicant, the affidavit of either parent.

(*d*) In cases where the applicant certifies that no one of the above is obtainable, the affidavits (under oath) of two reputable citizens acquainted with him. Each of these affidavits should state the facts within the knowledge of the deponent upon which he bases his statements as to the citizenship of the applicant, as for example, that he has known the applicant since birth, that he knew his parents, or as the case may be.

(ii) If foreign born:

(*a*) Certificate of naturalization under the seal of the court in which naturalized.

(*b*) Certificate of naturalization, under seal of the court in which naturalized, of the parent during the minority of the applicant, together with the affidavit of a parent that the applicant is the child of the parent whose certificate of naturalization is submitted.

(*c*) In special cases where the applicant certifies that neither (*a*) nor (*b*) is obtainable, the affidavit of two reputable citizens acquainted with him (see subdivision (i) (*d*) of this subparagraph). As every naturalization is a matter of record in some court, these affidavits will be accepted only in very exceptional cases, and on the understanding that the applicant shall later submit a proper certificate of naturalization.

(2) Properly authenticated transcript of educational qualifications. When high-school subjects presented for entrance to college are included in the college transcript, separate transcript of high school record is not required.

(3) Fingerprint records, NavPers 680.

(4) Three or more letters of recommendation and at least three references of individuals who are prominent in the community, who may be personally contacted for information regarding applicant. These letters and references should serve to furnish information as to the applicant's moral, mental, and professional qualifications. In case the candidate is in an enlisted status, a transcript of service record and recommendation of his commanding officer is required in addition to other letters of recommendation.

(5) Report of physical examination on Standard Form 88 and report of medical history on Standard Form 89. This physical examination will be conducted at offices of Naval Officer Procurement or other activity specifically designated for this purpose.

(6) Two recent photographs of the applicant's head and shoulders, one profile and one full face, each about 2½ by 2½ inches.

(7) Statement as to prior military or naval service.

(8) Statement as to receipt or nonreceipt of pension, compensation or retired pay from the Government of the United States.

(9) Statement from employer or responsible authority as to availability for active duty on mobilization, when the conditions specified in § 713.2102 (b) apply.

(10) Statement from ONOP as to the service classification for which candidate is qualified.

(11) Copy of report of investigation on Form NavPers 944. (See § 713.2103 (f).)

(12) Statement from applicant for appointment in Supply Corps of the Naval Reserve that he accepts the provisions of § 713.1907 and will, if appointed, file partially executed bond, signature cards and application for bond.

(13) Except as indicated below, an agreement to complete a correspondence course in Navy Regulations and Customs within 2 years after appointment. Candidates for appointment in the Fleet Reserve, ex-officers of the Regular Navy or Marine Corps, Aviation Cadets, officers of classes A1 or A2, graduates of the United States Naval Academy, graduates of the Naval R. O. T. C. units, Ensigns, Volunteer Reserves (probationary), and staff officers under agreement to enroll in appropriate correspondence course for their corps, will not be required to execute the foregoing agreement.

32. Section 713.2401 is amended to read as follows:

§ 713.2401 *Enlisted personnel; by whom enlisted.* (a) The procurement of men in the Fleet Reserve shall be governed by the provisions of §§ 713.9401 to 713.9411.

(b) The enlistment, or reenlistment, of personnel in classes 01, 02, V1 and V2 may be accomplished by commanding officers of organizations of the Organized Reserve and Navy Recruiting Officers.

(c) The enlistment of personnel in the Volunteer Reserve in classes other than V1 or V2, shall be effected by commanding officers of organizations of the Naval Reserve (see § 713.2403 (a)), and by Naval Reserve and Navy Recruiting Officers.

(d) The enlistment of personnel in the Merchant Marine Reserve shall be accomplished by recruiting officers designated for this purpose by the Bureau of Naval Personnel.

33. Section 713.2402 is amended to read as follows:

§ 713.2402 *Ages for original enlistments.* (a) The limiting ages for original enlistments in the Naval Reserve are as follows:

Class	Age limits in years	
	Men	Women
01	17–28	18–28
02	17–28	18–28
V1	17–28	18–28
V2	17–28	18–28
V3	17–35	18–35
V5	18–27	
V6	17–44	18–44

(b) Especially desirable persons who are over the foregoing upper age limits may be enlisted with the approval of the Chief of Naval Personnel.

(c) The lower age limits are prescribed by statute and cannot be waived.

(d) The total prior service in any branch of the Armed Forces (except temporary-volunteer part-time USCGR) subtracted from the calendar age of an applicant for all Classes, except V5, will determine the maximum age, which computed age must be within the maximum age limit prescribed in paragraph (a) of this section.

34. Section 713.2403 is amended to read as follows:

§ 713.2403 *Naval Reserve recruiting officers.* (a) Officers of the Naval Reserve who command organizations of the Organized or Volunteer Reserve shall be appointed by the commandants of naval districts and river commands and the Chief of Naval Air Reserve Training as Naval Reserve recruiting officers. Other officers of the Naval Reserve or officers of the regular Navy, under their jurisdiction, may also be appointed as recruiting officers by the commandants or the Chief of Naval Air Reserve Training.

(b) Naval Reserve and Marine Corps Reserve recruiting officers are authorized to administer oaths in connection with the enlistments, appointments, and promotions in the Naval Reserve.

(c) All officers authorized to administer oaths for enlistments and appointments in the Naval Reserve shall indicate after their signature their grade, branch of service and capacity in which serving at the time of administering the oath.

(d) Officers in charge of Navy recruiting stations are directed to make such enlistments in the Naval Reserve as authorized by the Bureau of Naval Personnel. They shall report such enlistments to the commandant, and forward the health record, service record, and shipping articles to the commandant.

(e) Naval Reserve recruiting officers are authorized, upon request of a district commander of the Marine Corps Reserve, to effect enlistments in the Marine Corps Reserve.

(f) Commanders of units of the organized Marine Corps Reserve are authorized to act as Naval Reserve recruiting officers, for the purposes of effecting enlistments of medical group rates to fill their allowances, in accordance with § 713.2410 (b) (2).

(g) For the purpose of administering oaths in connection with the appointment of officers in class MCS, and nurses in the Naval Reserve Nurse Corps, and the enlistment of hospital corpsmen in class V6 of the Naval Reserve, district commandants are authorized to appoint organizers of medical specialists units and of laboratory research units as Naval Reserve recruiting officers.

35. Section 713.2404 is amended to read as follows:

§ 713.2404 *Terms of enlistment, reenlistment, and extension of enlistment.* (a) Enlistment and reenlistment: Enlistments and reenlistments in the Naval Reserve shall normally be for a term of 4 years, except that enlistments of minors (male) between the ages of 17 and 18 years shall be for minority. Enlistments and reenlistments will not be effected for any other period unless authorized by the Chief of Naval Personnel. Regardless of an individual's term of enlistment, in time of war or national emergency, enlisted personnel may be required to serve throughout such war or period of national emergency. Form NavPers 603A will be used in effecting enlistments and reenlistments.

(b) Extension of enlistment: In time of peace, enlisted personnel may be permitted to extend their enlistments. Unless otherwise authorized by the Chief of Naval Personnel, the period of extension will be for 4 years. No more than one extension of the same enlistment will be permitted without specific authority of the Chief of Naval Personnel.

(c) Agreements to extend enlistment of Naval Reserve personnel serving on active duty will be executed on Form NavPers 604. The provisions of article C–1406 of Bureau of Naval Personnel Manual will apply except that the period of extension will be for 4 years, unless otherwise authorized by the Chief of Naval Personnel.

(d) Agreements to extend enlistment of Naval Reserve personnel serving on inactive duty will be executed in duplicate on Form NavPers 604A. Such extension agreements will be prepared and effected by organizations or commandants having custody of service records of individuals concerned. This form provides for the extension agreement to be signed by the individual and witnessed by two persons who are 21 years of age or older. Special instructions will be issued from time to time with regard to the procedure for effecting extension agreements in the cases of inaccessible personnel of the Volunteer Reserve. Regulations governing extensions of enlistment of enlisted personnel of the Naval Reserve on inactive duty are outlined below.

(1) In order to be valid, an agreement to extend enlistment must be entered

into by the individual concerned prior to the date of expiration of enlistment. When a Naval Reservist desires to extend his enlistment, prepare original and one copy of the form NavPers 604A, both to be signed in ink by the individual concerned, the two witnesses, and the executing officer. Mail original to the Bureau of Naval Personnel and insert copy in Reservist's service record between appropriate pages 9 to insure that service history is chronologically recorded.

(2) In view of the statement signed by the Naval Reservist on form NavPers 604A that he has no known serious physical defects or illness, no physical examination is required.

(3) Extension of an enlistment is effective upon execution of the form NavPers 604A, but does not become operative until the date next following the date of expiration of enlistment.

(4) Commanding officers are authorized to cancel an agreement to extend enlistment at any time prior to the date the extension becomes operative, for reasons outlined in § 713.6206, and in cases where reservists are found not physically qualified for retention, or their conduct or performance of duty is unsatisfactory. In all cases of cancellation, make notation thereof on service record copy of the form NavPers 604A. Enter reason for the cancellation on page 9 of the service record, together with a statement as to whether or not the individual is recommended for reenlistment, and forward a duplicate copy to the Bureau of Naval Personnel.

(e) When members of the Naval Reserve are granted permission to leave the United States under the provisions of § 713.1804 and have only a short period remaining on their term of enlistment, if eligible to extend, furnish them with a form NavPers 604A in duplicate, and impress upon them the advisability of executing the agreement to extend prior to their departure from the United States.

(f) Personnel who enlist, reenlist, or extend their enlistment in accordance with the provisions of this section shall be physically examined prior to their performance of any Naval Reserve duties, as required by § 713.1604.

36. Section 713.2405 (b) is amended to read as follows:

(b) Chief petty officers holding appointments in pay grade E–7 may be reenlisted in this pay grade, provided they are reenlisted under continuous service as defined in § 713.2410 (c).

37. Section 713.2409 (a) is amended to read as follows:

(a) All members of the Naval Reserve upon appointment, enlistment or reenlistment, or as soon thereafter as possible, shall be vaccinated against smallpox, and initial or booster dosages of typhoid and tetanus prophylaxis administered as appropriate. In meeting these initial requirements, a certificate, or other record, evidencing immunization within twelve months is acceptable. This record of immunization will be embodied in the health records. These initial immunization requirements will be met prior to the first tour of active duty, training duty, group training duty, or other duty. Individuals are to be immunized prior to subsequent training duty according to the requirements of the Manual of the Medical Department, U. S. Navy, 1949.

38. Section 713.2410 (b) is amended to read as follows:

(b) (1) Personnel without previous naval service may be enlisted in classes V1 and V2 in the rate of seaman recruit or steward recruit, or in such higher rates as may be authorized by the Bureau of Naval Personnel.

(2) The Bureau of Naval Personnel will consider authorizing the enlistment in higher rates of persons whose civilian occupations make them especially desirable for the organizations, such as machinists, mechanics, ground crewmen for the air transportation companies and commercial and amateur radio operators, etc.

(3) The Bureau of Naval Personnel will not, however, consider any such recommendation unless accompanied by an examination report Form NavPers 971, submitted by a properly constituted board. Such examination shall be confined solely to questions relating to the individual's professional qualifications for the rating in question.

(4) The upper age limit for enlistment, as prescribed in § 713.2402, may also be waived by the Bureau of Naval Personnel in the cases of the foregoing personnel.

(5) In the cases of applications for enlistments in medical group rates, requests shall be forwarded to the Bureau of Naval Personnel via the district commandant and the Bureau of Medicine and Surgery, accompanied by Form NavPers 971.

39. Section 713.2411 is amended to read as follows:

§ 713.2411 *Enlistments in the Volunteer Reserve, class V3.* (a) Enlisted personnel ordinarily will be transferred to class V3 from class V6. However, when specifically authorized by the Bureau of Naval Personnel, enlistments or reenlistments may be effected in class V3 in accordance with the provisions of this section and such other instructions as may be issued from time to time. Personnel will be enlisted or reenlisted in class V3 for radioman, signalman, sonarman, radarman, yeoman, and electronic technicians duties.

(b) Such personnel will be enlisted in the rate of seaman recruit, seaman apprentice, or seaman, if without prior naval or Coast Guard service, and, when they have qualified in accordance with section 2, chapter 7, part C, Bureau of Naval Personnel Manual, they may be advanced to the rate of petty officer, third class, of their respective specialties, unless higher rate is authorized by paragraphs (c) or (d) of this section.

(c) Those holding radio license issued by the Federal Communications Commission, may be enlisted in the rates shown in the following table. At any time after enlistment, such men may be examined, Form NavPers 971, and when qualified in accordance with section 2, chapter 7, part C, of the Bureau of Naval Personnel Manual, may be advanced to the rate shown. There after, advancement shall be made in accordance with § 713.3603 (a) and (b).

License held	Rate in which enlisted	Authorized rate when qualified
Radiotelegraph—Commercial:		
First class	Seaman	Radioman, second class.
Second class	do	Do.
Operator's permit	do	Radioman, third class.
Radiotelegraph—Amateur:		
Class A or B	do	Do.
Class C	Seaman apprentice.	Seaman.

(d) Personnel who have been honorably discharged from the Navy or Coast Guard within 3 years, or from the Naval Reserve within 1 year, in radioman, signalman, sonarman, radarman, yeoman, or electronics technician ratings, and seaman strikers for these ratings, are eligible for enlistment or reenlistment in class V3 in the same rate or rating to that in which discharged. If a greater period of time has elapsed since date of discharge than the limits specified, the prior approval of the Bureau of Naval Personnel is required before the enlistment is effected.

40. Section 713.2415 is amended to read as follows:

§ 713.2415 *Enlistments in Volunteer Reserve, class V7.* (a) Enlistments shall be made in this class in the rate of seaman recruit, for training preliminary to appointment as midshipman, United States Naval Reserve.

(b) In conformity with § 713.2104 (c), enlistments in this class will be made only during times of threatened or actual emergency, in accordance with instructions issued by the Bureau of Naval Personnel, in separate publications.

41. Section 713.3101 is amended to read as follows:

§ 713.3101 *Promotion of officers in time of peace.* In time of peace, officers of the Organized Reserve, Volunteer Reserve, and officers of the Merchant Marine Reserve will be promoted in accordance with provisions of succeeding sections of this subpart.

42. Section 713.3403 (b) is amended to read as follows:

(b) Annually, as of June 30, the Bureau of Naval Personnel will make a survey as to the number of officers above the grade of lieutenant commander required in the various classes of the Volunteer Reserve to meet mobilization needs. In accordance with the results of this survey, the Bureau of Naval Personnel will recommend to the Secretary of the Navy the number of officers to be promoted to the grade of captain in the line and in each of the staff components, Volunteer Reserve, and likewise, the number to be appointed or promoted to the grade of commander. Depending upon the Secretary of the Navy's approval, the Bureau of Naval Personnel then will initiate action toward the convening of the necessary selection boards in accordance with the provisions of § 713.3401.

43. Section 713.3503 is amended to read as follows:

§ 713.3503 *Records of proceeding to be forwarded to statutory Naval Examining Boards.* Upon completion of examinations, the record of proceedings shall be forwarded by the Supervisory Naval Examining Board, as follows:

(a) Line officers including warrants of the line: To: Naval Examining Board, Navy Department, Washington, D. C.

(b) Medical, medical service, hospital corps and nurse corps officers. To: Naval Examining Board for Medical Officers, U. S. Navy Medical School, National Naval Medical Center, Bethesda, Md.

(c) Dental officers. To: Naval Examining Board for Dental Officers, U. S. Naval Dental School, National Naval Medical Center, Bethesda, Md.

(d) Supply officers and pay clerks. To: Naval Examining Board for Supply Corps, Navy Department, Washington, D. C.

(e) Chaplains. To: Naval Examining Board for Chaplains, Navy Department, Washington, D. C.

(f) Civil engineers. To: Naval Examining Board for Civil Engineers, Bureau of Yards and Docks, Navy Department, Washington, D. C.

44. Section 713.3601 is amended to read as follows:

§ 713.3601 *Requirements for advancement in classes 01 and 02.* (a) Enlisted personnel in classes 01 and 02 may be advanced in rate to fill vacancies in the allowances prescribed for the organizations to which they are attached, in accordance with the following requirements:

(1) Must fulfill the minimum requirements prescribed in the table below:

To pay grades	E-2	E-3	E-4	E-5	E-6	[1] E-7
Service in present pay grade, months [2] [3]	9	12	12	18	24	36
Training duty in present pay grade, days [3] [4] [5]	14	14	14	14	28	42
Number of drills required [3] [5]	Attendance at a minimum of 75 percent per year of the number of regular drills authorized during the period required for qualification.					

[1] Personnel advancing from pay grade E-6 to E-7 advance to chief petty officer, acting appointment.

[2] Except as provided in paragraph (h) of this section, such service in a branch of the Armed Forces as may be specifically described in instructions promulgated by the Chief of Naval Personnel.

[3] Minimum requirements for personnel advancing from pay grade E-1 to apprentice rates are subject to change as may be prescribed by the Chief of Naval Personnel.

[4] Training duty shall be accomplished in increments of 14 days per year of the period required for qualification.

[5] Except as provided in paragraph (h) of this section, previous active duty in present pay grade in branches of the Armed Forces, and service accomplished subsequent to (re)enlistment in the Naval Reserve in a category other than class 01 and class 02 may be credited toward these requirements when specifically described and authorized in instructions promulgated by the Chief of Naval Personnel.

(2) Must be recommended for advancement by their commanding officer.

(3) Must satisfactorily complete the military and professional requirements for the next higher pay grade through satisfactory demonstration of proficiency in the practical factors and by examination in the required subjects for the particular rate.

(4) Must satisfactorily complete the Bureau of Naval Personnel training courses required for the higher rates before being examined for advancement, except where there are no courses available in the organization for the rate for which personnel are being examined. In the latter case, certifications to the effect that the course is not available and the reason therefor shall be placed on each report of examination by the commanding officer of the organization.

(5) The information required by subparagraphs (1) and (4) of this paragraph will appear over the commanding officer's signature on the report of examination, Form NavPers 971.

(b) Examinations on subjects pertaining to military and professional requirements shall be conducted under the supervision and marked by an examining board constituted as prescribed in article C-7206 of Bureau of Naval Personnel Manual insofar as practicable and provisions of (5) and (6) of that article concerning marks shall apply. When a full examining board may not be convened readily, one officer of appropriate class not below the rank of lieutenant (junior grade) may conduct examinations for advancements up to and including those for pay grade E-5.

(c) Except for advancements from pay grade E-6 to pay grade E-7, marks are not required. Marks covering conduct and proficiency in rate, leadership and, as applicable, seamanship and mechanical ability (pages 5A and 5B of service records) shall be not less than minimum marks set forth in instructions promulgated by the Chief of Naval Personnel.

(d) Enlisted personnel shall not be advanced more than one pay grade at a time.

(e) Unit commanders may effect advancements of fully qualified personnel and within organizational limitations to pay grades up to and including pay grade E-6. Report forms NavPers 971 together with duplicate page 9 of the service record containing entry of an authority for advancement shall be forwarded via the chain of command to the Chief of Naval Personnel. The term "Unit Commander" will be defined from time to time by the Chief of Naval Personnel.

(f) Unit commanders may recommend advancements to pay grade E-7, chief petty officer, acting appointment, and effect such advancements on or subsequent to the date of receipt of authorization from the Chief of Naval Personnel.

(g) For the purpose of fulfilling requirements as to drills, as a prerequisite for advancements, due credit by the candidate's C. O. will be given for drills missed on account of absence in the performance of active or training duty; and for drills performed without compensation.

(h) In all cases where active duty may be credited toward fulfillment of service or other requirements, such service in a pay grade from which an individual has been reduced for any reason shall not be so credited.

45. Section 713.3602 is amended to read as follows:

§ 713.3602 *Requirements for advancement in Classes V1 and V2.* Enlisted personnel in Classes V1 and V2 may advance under the same conditions as prescribed for personnel in Classes 01 and 02 as prescribed in § 713.3601, except that their advancement may be effected only to fill vancancies in allowed quotas for the higher pay grades for which they have qualified.

46. Section 713.3603 is amended to read as follows:

§ 713.3603 *Requirements for advancement in Class V3.* Enlisted personnel in Class V3 who are members of organizations for which forty-eight (48) drills per year are authorized may be advanced in rate and rating under the same conditions as prescribed in § 713.3601 for personnel in Classes 01 and 02 except, when not in drill pay status, the organizational limitation that a vacancy exist in allowance for advancement is not applicable and therefore not required. In organizations where quotas of pay grades or rates are issued, advancements may be subject to vacancies in quotas for the higher pay grade if so prescribed in instructions promulgated by the Chief of Naval Personnel.

47. Section 713.3605 is amended to read as follows:

§ 713.3605 *Requirements for advancement in V6.* (a) Enlisted personnel in Class V6 on inactive duty including personnel who are members of organizations in the Volunteer Naval Reserve Program may be advanced in rate and rating in accordance with instructions promulgated by the Chief of Naval Personnel.

(b) Enlisted personnel in Class V6 on active duty under Appropriation "Naval Reserve" may be advanced in rate and rating and a change in status may be effected in accordance with instructions promulgated by the Chief of Naval Personnel.

(c) Enlisted personnel in Class V6 on active duty under Appropriation "Pay and Allowances Naval Personnel" may advance in accordance with instructions prescribed for the Regular Navy.

48. Section 713.3607 is amended to read as follows:

§ 713.3607 *Requirements for change in status from chief petty officer, acting appointment to chief petty officer, permanent appointment.* (a) Appointments to chief petty officer, permanent appointment, may be issued by the Chief of Naval Personnel to fully qualified personnel who maintain membership in such types of drilling organizations as may be described in instructions promulgated by the Chief of Naval Personnel.

(b) Unit commanders may forward recommendations for a change in status of those personnel who are under their command from chief petty officer, acting appointment, to chief petty officer, permanent appointment, when the following minimum requirements have been fulfilled:

(1) Individuals shall have served as chief petty officer, acting appointment, for a total of 3 years, have performed

not less than 14 days of training duty during each of the 3 years while serving as chief petty officer, acting appointment, and shall have attended scheduled drills to meet minimum requirements as prescribed by the Chief of Naval Personnel.

(2) Previous active duty and such naval service as may interrupt service in drilling organizations may be credited in lieu of requirements of subparagraph (1) of this paragraph, to the extent as may be authorized in instructions issued by the Chief of Naval Personnel.

(3) Required annual training duty may be accomplished afloat or ashore provided only that the activities in which training duty is to be performed have adequate facilities for development of full competency and proficiency in the ratings of the trainees.

(4) During the 24 months immediately preceding change in status, no mark in conduct may be less than 4.0 and no mark in other subjects (pages 5A and 5B of service record) shall be less than 3.5.

(5) When recommending personnel for change in status to chief petty officer, permanent appointment, Unit commanders shall carefully consider entries in service records issued by commanding officers of activities where training duty has been performed. Recommendations shall be signed by the cognizant unit commanders and shall contain all pertinent data as may be prescribed by the Chief of Naval Personnel.

(6) The permanent status of a chief petty officer may not be revoked by the commanding officer. Should a chief petty officer holding a permanent appointment prove not qualified to perform properly the duties of his rate, full report of the circumstances shall be made to the Chief of Naval Personnel. The man concerned shall be given an opportunity to make a written statement, and this statement shall be forwarded with the recommendation of the commanding officer in the premises.

(7) The effective date of change of status to chief petty officer, permanent appointment, will be determined by the Chief of Naval Personnel. When an appointment is received, an entry will be made in the service record of the individual concerned and the appointment will be delivered to him at quarters or at drill assemblage. The appointment is the property of the individual but may be put with the service record if he so desires.

49. Section 713.3608 (a) is amended to read as follows:

(a) Examinations for enlistment or advancement in rate or rating of enlisted personnel, and for transfers between classes of the Naval Reserve shall be conducted in accordance with chapter 7, part C, Bureau of Naval Personnel Manual, insofar as applicable, or in accordance with such special instructions as may be issued by the Bureau of Naval Personnel, and reported on Form NavPers 971.

50. Section 713.4101 is amended to read as follows:

§ 713.4101 *Transfer of personnel from the Organized Reserve.* (a) Personnel of the Organized Reserve who are unable to conform to the requirements of that class or who have demonstrated their unsuitability therefor, but whose retention in some other class of the Naval Reserve is deemed desirable, may be transferred to such other class for which qualified.

(b) Enlisted personnel ordered to active duty shall be transferred to Class V6 of the Volunteer Reserve.

(c) The transfer of officers out of the Organized Reserve shall not be effected as a means of enforcing discipline.

51. Section 713.4103 (d) is amended to read as follows:

(d) Aviation officers who fail to maintain their flight qualifications for unlimited general service duties in accordance with § 713.5807, but who are otherwise especially desirable and qualified for ground duties or other aviation duty may be reclassified by the Chief of Naval Personnel. Such officers may be subsequently reclassified for limited or unlimited general service upon reestablishing their qualifications therefor.

52. Section 713.4106 (d) is amended to read as follows:

(d) Personnel of Class V6 who are over the age limit for original enlistment in Class 01, 02, V1 and V2 (see § 713.2402) shall not be transferred to these classes unless they have had previous active service in the Navy or Coast Guard or their Reserve Components and their ages do not exceed 39 years.

53. Section 713.5202 (c) is amended to read as follows:

(c) Application for enrollment in any of these courses should be made in accordance with §§ 713.5402 and 713.5403.

54. Section 713.5203 is amended to read as follows:

§ 713.5203 *Naval War College correspondence courses.* The Naval War College conducts correspondence courses in strategy and tactics, international law, and logistics, in which commissioned officers of the Naval Reserve, including those on inactive duty, are authorized to enroll via their commanding officer or their commandant.

55. Section 713.5302 is amended to read as follows:

§ 713.5302 *Regular drills.* (a) Regular drills will consist of training in duties pertaining to the Navy, as designated from time to time by the Bureau of Naval Personnel in separate instructions.

(b) Regular drills must be:

(1) Designated quarterly in advance for each organization by its commanding officer.

(2) A period of not less than two (2) hours duration, and may be conducted on any day of the week, holidays included.

(3) Conducted not more frequently than once during any one calendar week for organizations under the cognizance of Commandants of Naval Districts or River Commands.

(4) Conducted not more frequently than three (3) times during any one day, not more than three (3) times during any one calendar week, nor more than four (4) times during any one month for organizations under the cognizance of the Chief of Naval Air Reserve Training.

(5) Conducted not more frequently in any one fiscal year than the maximum number prescribed in "Tables of Organization" (See § 713.1306) for various organizations of the Naval Reserve.

(c) When required due to inadequacy of space or facilities or to facilitate training, organizations may drill in increments on different days.

56. Section 713.5304 is amended to read as follows:

§ 713.5304 *Appropriate duty.* (a) The purpose of appropriate duty is to enable Commandants and the Chief of Naval Air Reserve Training to accomplish various tasks and effect training of Naval Reserve personnel who are not on active or training duty.

(b) Appropriate duty must be:

(1) Performed under individual orders issued only by cognizant Commandants or the Chief of Naval Air Reserve Training.

(2) Conducted not more frequently, with or without pay, in any one fiscal year than the maximum number of drills currently prescribed in "Tables of Organization." For pay purposes, appropriate duty shall be limited to the numbers of personnel prescribed by the Chief of Naval Personnel.

(3) Of not less than two (2) hours duration. Duty performed in one calendar week may not be credited in a subsequent calendar week.

(4) Performed under orders which stipulate:

(i) That the Reservist is authorized to perform appropriate duty, with or without pay, as the case may be.

(ii) That the nature of duty to be performed will consist of work assignments or similar duties which are commensurate with grade or rate.

(iii) The number of periods of appropriate duty which may be performed.

(c) Examples of appropriate duty are as follows:

(1) Instruction of Naval Reservists.

(2) Commandants' local representatives as prescribed by the Chief of Naval Personnel.

(3) Volunteer Recruiters.

(4) Conducting of physical and dental examinations.

(5) Representation of the Navy in public ceremonies.

57. Section 713.5305 is amended to read as follows:

§ 713.5305 *Equivalent instruction or duty.* (a) Equivalent instruction or duty is analogous to regular drills. It may be performed by members of organizations of the Naval Reserve to supplement training or duty performed at regular drills.

(b) For organizations of the Naval Reserve under the cognizance of Commandants, equivalent instruction or duty must be:

(1) A period of not less than two (2) hours' duration and may be conducted on any day of the week, including holidays.

(2) Conducted on a day other than one on which a regular drill is prescribed.

(3) Prescribed by the commanding officer for all or part of his command not more frequently than once during any one calendar week, not more than three (3) times during any one calendar month, nor more than sixteen (16) times during any one fiscal year.

(c) For organizations of the Naval Reserve under the cognizance of the Chief of Naval Air Reserve Training, equivalent instruction or duty must be:

(1) A period of not less than two (2) hours' duration and may be conducted on any one day of the week, holidays included.

(2) Performed only at such times as may be acceptable to commanding officers of Naval Air Stations concerned.

(3) Conducted on days other than those on which a regular drill is conducted.

(4) Prescribed by the commanding officer for all or part of his command not more frequently than twice during any one calendar week, not more than four (4) times in any one calendar month; nor more than sixteen (16) times during any one fiscal year.

(5) Certified as having been performed by the commanding officer of the Naval Air Station at which training is conducted.

(d) Equivalent instruction or duty will not be credited to the organization for purposes of competitive standing.

58. Section 713.5307 is amended to read as follows:

§ 713.5307 *Training duty without pay.* (a) Officers and enlisted personnel of the Naval Reserve may be permitted on their own application to perform training duty without pay or allowances and without expense to the Government for travel to and from such duty. See volume IV, Bureau of Supplies and Accounts Manual for subsistence for personnel in this category. Commandants of naval districts and river commands and the Chief of Naval Air Reserve Training, as appropriate, are authorized to approve such requests and to issue necessary orders where duty is to be performed within their jurisdiction and to take similar action in cases where duty requested is beyond their jurisdiction, subject to the approval of ashore or afloat commanders concerned. In their discretion and within limitations imposed by Tables of Organization and training duty allotments currently authorized, commandants of naval districts or river commands and the Chief of Naval Air Reserve Training may order members of the Naval Reserve to perform training duty without pay but with expense to the Government for travel to and from training duty and for subsistence during the performance of such duty. In such cases orders should specify that transportation and subsistence is at Government expense.

(b) In cases where time does not permit securing the approval of the commandant concerned or the Chief of Naval Air Reserve Training, requests may be made to a force or type commander or the senior officer present of any naval force. The latter are authorized to approve such requests if available accommodations and other circumstances warrant such action, informing the commandant concerned or Chief of Naval Air Reserve Training, as appropriate.

(c) Commandants of naval districts and river commands and the Chief of Naval Air Reserve Training are authorized to issue authority (orders) to personnel of the Naval Reserve to perform repeated periods of training or other duty without pay at activities within their jurisdiction and to perform similar duties beyond their jurisdiction, subject to approval by commanding officers concerned. The period of authorization in each case shall not exceed 1 year. Aviation flight officers who hold effective designations as naval aviators may be authorized to make flights under authority for repeated periods of training duty in the same manner as they are authorized to perform flights while in an inactive duty status. Such flights shall constitute authorized training duty. Physical examinations will be in accordance with § 713.1605. A separate fitness report will be submitted for officers for each repeated period of training or other duty of two or more weeks duration. Where repeated periods of training duty are performed on board the same vessel or station a separate fitness report will be submitted at the end of the entire period covered. These fitness reports will become part of the officers' official records. The authorization to perform the duty shall be retained by the activity or vessel where the duty is performed until it expires or is cancelled. At the expiration of each period of duty entry shall be made thereupon over the signature of the commanding officer evidencing the date and time of reporting and detachment and, over the signature of the reservist, the incidence of any disease or injury while in duty status. Upon completion of the last period of duty under current orders, the activity which conducted training will retain one copy of the orders for each individual and will distribute the remainder as follows: One copy to the Bureau of Naval Personnel, two copies to the commandant concerned or the Chief of Naval Air Reserve Training.

(d) Physical examinations for personnel performing training duty without pay, except as noted in paragraph (c), of this section, for repeated periods of training duty, will be in accordance with § 713.1601 and § 713.1604.

(e) Except as noted in paragraph (c), of this section, fitness reports shall be submitted upon all officers performing training duty without pay, afloat or ashore, as required by §§ 713.1810 and 713.5306 (j).

(f) An entry shall be made in fitness reports and enlisted records to indicate that duty performed was without pay. If records of enlisted personnel are not available at activities where training is performed, the commandant concerned or the Chief of Naval Air Reserve Training, as appropriate, will be furnished the necessary information for entry in such record. (See § 713.1807.)

59. Section 713.5401 is amended to read as follows:

NAVAL CORRESPONDENCE COURSE CENTER: ENROLLMENTS IN CORRESPONDENCE COURSES

§ 713.5401 *U. S. Naval Correspondence Course Center.* (a) The U. S. Naval Correspondence Course Center is established by the Secretary of the Navy to administer naval correspondence courses to all naval personnel and to assist the Bureau of Naval Personnel in the evaluation of correspondence courses.

(b) The U. S. Naval Correspondence Course Center is under the management and technical control of the Bureau of Naval Personnel.

60. Section 713.5402 is amended to read as follows:

§ 713.5402 *Eligibility for enrollment; method of enrollment; report of results.* (a) The officer's correspondence courses administered by the U. S. Naval Correspondence Course Center are available to commissioned officers, warrant officers, and chief petty officers of the Regular Navy and of the Naval Reserve, on active or inactive duty. Enlisted personnel other than chief petty officers are eligible for enrollment if recommended by their commanding officers as potential officer candidates.

(b) The enlisted correspondence courses administered by the U. S. Naval Correspondence Course Center are available to enlisted personnel of the Regular Navy and of the Naval Reserve, on active or inactive duty.

(c) Personnel of the Marine Corps, Coast Guard, Army, and Air Force shall be eligible for enrollment in naval correspondence courses to the extent directed by the Chief of Naval Personnel.

(d) All enrollments in correspondence courses shall be subject to such regulations as are directed by the Chief of Naval Personnel.

(e) Applications for enrollment in correspondence courses administered by the U. S. Naval Correspondence Course Center shall be made on the form prescribed by the Bureau of Naval Personnel, or by official letter containing all the information requested on this form. Applications shall be forwarded to the Naval Correspondence Course Center via official channels.

(f) Except in situations where the Chief of Naval Personnel has specifically directed referral of applications, the U. S. Naval Correspondence Course Center shall enroll applicants without reference to the Bureau of Naval Personnel.

(g) The U. S. Naval Correspondence Course Center is authorized to disenroll applicants without reference to the Bureau of Naval Personnel, for failure to meet the requirements established by the Bureau of Naval Personnel.

(h) "Satisfactory completion" of a course is determined in accordance with instructions issued by the Chief of Naval Personnel.

(i) The U. S. Naval Correspondence Course Center shall maintain a permanent record of each enrollee's correspondence-course work. On satisfactory completion of a course, it shall issue to the enrollee, via appropriate official channels, a letter certifying completion,

with the average mark computed to two decimal places. An information copy of this letter shall be sent to each of the following: (1) Bureau of Naval Personnel; (2) Reserve Officer Performance Recording Unit (Naval Reserve Officers only); (3) home district commandant and/or other naval activity in which the student's records are kept (Naval Reserve only).

61. Section 713.5403 is amended to read as follows:

§ 713.5403 *Enrollment in correspondence courses administered by activities other than the U. S. Naval Correspondence Course Center.* (a) Applicants for enrollment in correspondence courses administered by the Naval War College, the Bureau of Medicine and Surgery, the U. S. Naval Submarine School, the U. S. Naval School (Naval Intelligence) and others will make application to the administering agency through official channels as indicated in § 713.5402 (e).

(b) When an enrollee completes a correspondence course, the administering agent shall issue him a suitable certificate or letter of completion with appropriate copies as outlined in § 713.5402 (i).

62. Section 713.5404 is amended to read as follows:

§ 713.5404 *Reports required.* Appropriate reports concerning total enrollments, disenrollments, and completions of correspondence courses shall be made to the Bureau of Naval Personnel by the U. S. Naval Corespondence Course Center and other administering agencies periodically, as required.

63. Section 713.6101 is amended to read as follows:

§ 713.6101 *Naval Reservists subject to Naval regulations.* (a) All members of the Naval Reserve, when employed on active duty are subject to the Uniform Code of Military Justice, and the regulations and orders based thereon.

(b) Members of the Naval Reserve when employed on inactive duty training authorized by written orders from competent authority which are voluntarily accepted by them are subject to the Uniform Code of Military Justice. Orders issued to personnel in such cases must expressly state that the recipient is subject to the Uniform Code of Military Justice. Amenability to disciplinary jurisdiction of members of the Naval Reserve, except Fleet Reserve, attaches from the dates they are required by the terms of lawfully issued orders to obey the same. Members of the Fleet Reserve are subject to the Uniform Code of Military Justice at all times. Retired personnel of the Naval Reserve who are receiving hospitalization from an Armed Force are also subject to the Uniform Code of Military Justice. (Art. 2, UCMJ)

64. Section 713.6102 is amended to read as follows:

§ 713.6102 *Termination of amenability to Naval jurisdiction.* (a) Members of the Naval Reserve are not relieved of liability to disciplinary action for offenses occurring while on active or training duty solely by reason of discharge or release from such status. Such members may still be brought to trial by court-martial for certain offenses, subject to the provisions of Article 3, Uniform Code of Military Justice.

65. Section 713.6103 is amended to read as follows:

§ 713.6103 *Retention on or return to duty status for disciplinary action.* (a) For the purpose of carrying the provisions of the foregoing article into effect, members of the Naval Reserve may be retained on or returned to a duty status without their consent, but not for a longer period of time than may be required for disciplinary action.

66. Section 713.6104 is amended to read as follows:

§ 713.6104 *Administration of discipline.* (a) Commanding officers of authorized units of the Naval Reserve will be responsible for the maintenance of discipline among personnel of their units when in a drill status. Commanding officers of reserve units have authority under the Uniform Code of Military Justice over reserve personnel attending drills with these units where orders to the personnel concerned specify that they are subject to the provisions of the Uniform Code of Military Justice while attending drills, and such orders have been voluntarily accepted by the personnel concerned.

67. Section 713.6206 is amended to read as follows:

§ 713.6206 *Discharge of enlisted personnel.* (a) When performing active Naval service an enlisted person shall be discharged when appropriate, under applicable provisions of part C, chapter 10, Bureau of Naval Personnel Manual.

(b) When not performing active Naval service enlisted personnel shall be discharged upon the expiration of their enlistments, or upon their requests. Such discharges will be effected by the commanding officers of the organizations to which the individuals concerned are attached, or if not so attached, by the commandants carrying their records. Enlisted personnel may be discharged for one of the following additional reasons, with type of discharge warranted by their service records:

(1) Civilian occupation incompatible with Naval Reserve status (after approval by the district commandant).

(2) For cause (after approval by the Chief of Naval Personnel). The provisions of article C–10303 and the articles referred to therein insofar as applicable to Reserves not on active duty, shall apply to discharges issued under this paragraph. The provisions of this subparagraph are suspended during time of war or national emergency, and at such other times as designated by the Chief of Naval Personnel.

(c) No man shall be discharged for any reason during a period of training duty, without prior approval of the Chief of Naval Personnel, except (1) when discharged by competent authority as the result of sentence of a court-martial (2) pursuant to special instructions issued by the Chief of Naval Personnel.

68. Section 713.7201 is amended to read as follows:

§ 713.7201 *Drill pay and pay for performance of equivalent instruction of duty and appropirate duties.* (a) Subject to limitations imposed by "Tables of Organization of the Naval Reserve", based on § 713.1306, and to further limitations imposed by §§ 713.5302, 713.5304, and 713.5305 which respectively relate to the types of training mentioned below, officers and enlisted personnel of the Naval Reserve who are attached to or associated with organizations of the Organized Reserve shall, except while performing active or training duty (see § 713.7205), receive compensation at the rate of one-thirtieth of the monthly rate of basic pay of the pay grade to which assigned or in which distributed for basic pay purposes, including pay for hazardous duty incentive pay (see § 713.7203) is otherwise entitled thereto, for attending each regular drill or performing each period of equivalent instruction or duty or appropriate duties.

(b) Subject to regulations referred to in paragraph (a) of this section and if otherwise entitled to compensation, officers and enlisted personnel of the Naval Reserve who are attached to organizations of the Volunteer Reserve or who are not attached to any organizations and are not on active or training duty, shall receive compensation computed in the manner outlined in paragraph (a) of this section for performing each period of appropriate duty.

(c) See Bureau of Supplies and Accounts Manual, volume V, for administrative procedures relating to pay for drills, equivalent instruction or duty and appropriate duties.

69. Section 713.7202 is amended to read as follows:

§ 713.7202 *Compensation for drills, equivalent instruction or duty or appropriate duties limitation of.* No officer or enlisted person of the Naval Reserve shall receive pay for a greater number of regular drills or other equivalent instruction or duty or appropriate duties, either singly by type or by combination of types, than is prescribed in Tables of Organization of the Naval Reserve for the fiscal year concerned.

70. Section 713.7203 is amended to read as follows:

§ 713.7203 *Hazardous duty incentive pay for reservists on active duty.* (a) Subject to regulations currently prescribed by the President and within limitations imposed by Tables of Organization of the Naval Reserve, based on § 713.1306, officers and enlisted personnel of the Naval Reserve who are entitled to receive inactive duty pay and who are required by competent orders to perform hazardous duty and when in consequence of such orders do perform the hazardous duty so prescribed, shall receive hazardous duty incentive pay at the rate of one-thirtieth of the monthly rate of such pay. The monthly rates of hazardous duty incentive pay and administrative procedures necessary to establish entitlement thereto are stated in volume V, Bureau of Supplies and Accounts Manual.

71. Section 713.7204 is amended to read as follows:

§ 713.7204 *Compensation for performance of administrative duties.* In addition to the pay to which they may otherwise become entitled, such officers of the Naval Reserve as may be regularly assigned to and commanding organizations designated in Tables of Organizations of the Naval Reserve (see § 713.1306) shall receive compensation in the amount prescribed in such tables or organization they command, but not to exceed $240 per year, for the faithful performance of administrative duties connected therewith (see § 713.1403 (b)). Such pay is not dependent on the performance of drills and may not be increased for performance of hazardous duty.

72. Section 713.7501 (d) is amended to read as follows:

(d) Members of the Naval Reserve should designate beneficiaries in accordance with articles B–2207 and B–2318, Bureau of Naval Personnel Manual.

73. Section 713.9701 is amended to read as follows:

§ 713.9701 *Members of Fleet Reserve subject to Naval discipline.* (a) Members of the Fleet Reserve and members of the Fleet Reserve who have been transferred to the retired list are at all times subject to the Uniform Code of Military Justice and to the applicable regulations and orders issued thereunder. Such members shall not be discharged therefrom prior to the expiration of their term of service, without their consent, except by sentence of court-martial approved by competent authority, or, in the discretion of the Secretary of the Navy, when sentenced by civil authorities to confinement in a State or Federal penitentiary as a result of a conviction for a felony.

74. Section 713.10301 (a) is amended to read as follows:

(a) *Civilian candidates.* In accordance with instructions issued from time to time by the Chief of Naval Personnel, aviation cadets may be enlisted by the following:

(1) Offices of Naval Officer Procurement.

(2) Naval Air Reserve Training Command Air Stations and Training Units.

(3) Naval Air Stations.

75. Section 713.10307 (b) is amended to read as follows:

(b) When traveling under orders, aviation cadets shall receive transportation and other necessary expenses incident to such travel, or cash in lieu thereof, as prescribed for enlisted men of the Navy.

(Sec. 9, 52 Stat. 1177, as amended; 34 U. S. C. 853g)

Dated: October 2, 1951.

DAN A. KIMBALL,
Secretary of the Navy.

[F. R. Doc. 51–12189; Filed, Oct. 10, 1951; 8:46 a. m.]

PART 713—NAVAL RESERVE

REVOCATIONS

1. The following paragraph of § 713.3102 is hereby revoked:

(e) Aviation flight officers must, prior to promotion, successfully pass a flight test in a service-type plane, as prescribed by the Bureau of Naval Personnel. Satisfactory completion of this test shall be certified to the Board before which the candidate is authorized to appear for examination by the commanding officer of the naval air station or of the organization to which the candidate is assigned or attached as a prerequisite before undergoing examination.

2. The following sections are hereby revoked:

a. Section 713.1309 *Medical specialists units.*

b. Section 713.1310 *Laboratory research units.*

c. Section 713.1821 *Continuous-service certificates.*

3. The following Subparts are hereby revoked:

a. Subpart K—Naval Reserve Nurse Corps.

b. Subpart L—Women's Reserve.

(Sec. 9, 52 Stat. 1177, as amended; 34 U. S. C. 853g)

Dated: October 1, 1951.

DAN A. KIMBALL,
Secretary of the Navy.

[F. R. Doc. 51–12188 Filed, Oct. 10, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 15, Collation 1, Including Amdts. 1–6]

CPR 15—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

Ceiling Price Regulation 15 is republished to incorporate the text of Amendments 1 through 6, inclusive. Ceiling Price Regulation 15 was issued March 28, 1951 (16 F. R. 2735). Statements of Consideration for Ceiling Price Regulation 15, and for Amendments 1–6, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation and the amendments are shown in a note preceding the first section of the regulation.

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AUTHORITY: Sections 1 to 39 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1–39 contained in Ceiling Price Regulation 15, March 28, 1951 (16 F. R. 2735), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: CPR 15, April 5, 1951 (16 F. R. 2735). Amendment 1, April 27, 1951, 16 F. R. 3650. Amendment 2, May 10, 1951, 16 F. R. 4437. Amendment 3, May 18, 1951, 16 F. R. 4689. Amendment 4, June 25, 1951, 16 F. R. 6023. Amendment 5, July 18, 1951, 16 F. R. 6799. Amendment 6, August 27, 1951, 16 F. R. 8453.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation fixes new ceiling prices for the "dry groceries" listed in Table A and the "perishables" listed in Table B for all retail stores, other than "independent" retail stores, doing an annual business of less than $375,000 and for all

retail stores, whether "independent" or not, doing an annual business of $375,000 or more. These new ceiling prices are to be used instead of the ceiling prices figured under any other price regulation or order issued by the Office of Price Stabilization (hereinafter called OPS), and regardless of any contract or any other law. All other retail stores (Group 1 and Group 2 stores) selling these food products are covered by Ceiling Price Regulation No. 16.

SEC. 2. *How you find out whether your store is covered by this regulation and what group it is in*—(a) *What stores are covered.* Your store is covered by this regulation if it is a Group 3 or 4 store as defined below and if you are a retailer who buys and resells food products, generally without materially changing their form, for the most part to ultimate consumers who are not commercial, industrial or institutional users. For the purposes of this regulation, "Great Lakes Marine Suppliers" shall be considered as retailers. The provisions of this regulation do not apply to "retail route sellers", to sales of "specially prepared dietetic foods" by "health food stores" or "health food departments", or to automatic vending machines or farmers selling produce grown on their own farms.

[Paragraph (a) amended by Amdt. 2]

(b) *What are Group 3 and 4 stores.* For the purpose of this regulation, Group 3 and 4 stores are defined as follows:

(1) *Group 3.* Your store is in Group 3 if its "annual gross sales" are less than $375,000 and if it is not an "independent" store. Your store is an "independent" store if it is not one of 4 or more stores under one ownership whose combined "annual gross sales" are $750,000 or more.

(2) *Group 4.* Your store is in Group 4 if its "annual gross sales" are $375,000 or more.

(If you are not sure what group your store is in, use the directions in Section 29 for figuring its "annual gross sales." See section 35 for definitions of Group 1 and 2 stores.)

(c) *How to display a sign of the group your store is in.* At all times, you must have the group your store is in under this regulation displayed on a sign reading "OPS–3" or "OPS–4", whichever it is, or on a sign which the OPS may furnish to you. The sign must be displayed so that it can be clearly seen by your customers.

(d) *When you may choose to treat your store as a Group 4 store.* If your store is a Group 3 store, you may choose to treat it as a Group 4 store and display a sign in your store as a member of that group if you:

(1) Figure your ceiling prices for all the items listed in Tables A and B of this regulation as a Group 4 store; and

(2) Notify the OPS district office for your area of this fact.

(e) *When you must notify OPS of the Group in which your store falls.* Within 30 days after the issuance of this regulation, you must notify the OPS District office for your area, of the Group of each of your stores, using OPS Public Form No. 5 which you may obtain from the OPS District office for your area. If you open a new retail store after May 14, 1951 you must notify, within 15 days, the OPS District office for your area of the Group of the store, using OPS Public Form No. 5 which you may obtain from the OPS District office for your area.

[Paragraph (e) amended by Amdt. 1]

Dry Groceries

SEC. 3. *How and when you figure your ceiling prices for "dry groceries"*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, grade, variety, container-type and container-size) of "dry groceries" listed in Table A shall be the total of (1) the "net cost" you had to pay for the most recent delivery of the item to you before April 30, 1951, plus (2) the mark-up given you for it in Table A.

(b) *When you must figure your ceiling prices.* By the opening of business on May 14, 1951, you must have figured your ceiling price for each item of "dry groceries" listed as Table A which you have in stock at that time. Between April 5, 1951 and May 14, 1951, you may put into effect the new ceiling price on any item as soon as you figure it; you must put the new ceiling prices into effect on all items not later than May 14, 1951. If you do not put the new price for an item into effect before May 14, 1951, you must continue to use your existing ceiling for that item until May 14. If you receive delivery of any item between April 5, 1951 and May 14, 1951, for which you have no ceiling price, you must, before selling it, figure your ceiling price according to the rules of this regulation.

[Paragraph (b) amended by Amdt. 1]

(c) *Special rule for certain items of the 1950 pack.* If, in the case of any item of the 1950 pack of food commodity groups 8, 10, 11, 12, 13, 32 and 33 in Table A, your last purchase of the particular item was made prior to January 26, 1951, you may continue to use your legal ceiling price for such item under the General Ceiling Price Regulation, until you receive delivery of a purchase made after that date. When you receive delivery of such a purchase, you must figure your ceiling price for the item in accordance with the provisions of this regulation.

(d) *Pricing special promotions.* Where you have a "special promotion" consisting of two or more items bound together for joint sale or bearing appropriate printing or labeling referring to the joint sale, you shall compute your ceiling price for the joint sale as follows:

(1) Determine which item or items are the regular portion of the "special promotion" and which item or items are the "special" portion.

(2) For the regular item or items compute your ceiling prices according to this regulation, disregarding entirely the special item or items.

(3) For the special item or items you may charge up to 50 percent of your existing ceiling price for those items.

(4) If you have no existing ceiling price for the special item or items you may use as your markup a maximum of 3 cents per item.

(5) Your ceiling price for the joint sale is the sum of the ceiling price for the regular item plus the price determined under subparagraph (3) or (4) of this paragraph for the special items. You may not price any special promotion on the same items under this paragraph for a period of more than 120 days. Also you may not price under this paragraph another special promotion on the same items until six months after the conclusion of the previous such offering.

[Paragraph (d) added by Amdt. 6]

SEC. 4. *Directions for applying the rule for "dry groceries"*—(a) *"Net Cost".* To figure your ceiling price, first find the "net cost" of the item based on its most recent delivery to you before May 14, 1951. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment and swell and label allowances, plus all transportation charges you paid except local trucking and local unloading. This exception shall not apply to any shipments by water. In such cases, there may be added also as part of the cost of transportation the cost of moving the shipment from the place at which it was processed to the dock, the cost of unloading at that dock, wharfage, handling, tollage and usage charges, the cost of marine insurance, the cost of loading the goods on a car, truck or other conveyance at the port of discharge and the cost of transporting that shipment from the port of discharge to receiving point. However, costs of loading the shipment at the place at which it was processed, segregation charges and costs of unloading at receiving point may not be added. Treat as a separate item each kind, brand, grade, variety, container-size and container-type of "dry groceries".

[Paragraph (a) amended by Amdts. 1 and 5]

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your "usual receiving point" by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on a single unit basis (that is, per can, per pound, per package, per jar, etc.), to the nearest half-cent. (Fractions of exactly one-quarter cent are rounded up to one-half cent and fractions of exactly three quarters of a cent are rounded up to the next cent.) Your invoice cost may be the cost of a carton, case or barrel for instance, and not the cost of the package, can or other unit you sell. You must get the net cost of the single unit you sell by dividing the cost for the carton, case or barrel by the number of units in the carton, case or barrel.

(3) If you are figuring your ceiling price for an item on the basis of a purchase made from a "service fee wholesaler", your "net cost" may not exceed his ceiling price for the item figured on a single unit basis plus transportation charges you paid, if any, as defined in this section. You will be notified by the "service fee wholesaler" of his ceiling price either on his invoice or order form or other written document.

[Paragraph (3) added by Amdt. 2]

(4) For items you "manufacture or otherwise process" use the special rules in section 23.

[Paragraph (4) redesignated by Amdt. 2]

(b) *Mark-up.* Turn to Table A to find the mark-up for the item given your group of store. Table A lists all the

"dry groceries" covered by this regulation by commodity groups.

(c) *Ceiling price.* Next turn to Table C. Using the directions given there, you will get your ceiling price for the item. You must not change this ceiling price except in accordance with Section 6.

(d) *Invoices.* You must write your "net cost" per unit of the purchase on which you have figured your ceiling price either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attach to that invoice or other record. You must keep separate, or mark or tag plainly, all invoices or records showing the net cost per unit which you used in figuring your ceiling prices. These invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

SEC. 5. *How you figure your ceiling prices for "new items" of "dry groceries."* A "new item" of "dry groceries" is an item of "dry groceries" which you did not have in stock at the opening of business on May 14, 1951. You must figure the ceiling price for a new item before selling it, following the rules in section 4, but basing your "net cost" on the first delivery of the item to you on or after May 14, 1951.

In pricing new items it is a violation to use the net cost of a first purchase made in a non-customary manner (that is, from a non-customary supplier or in a non-customary quantity) when you know that you will be making future purchases in a customary manner. If your first purchase is of this type you must find out and use in figuring your ceiling price, what the net cost would be of a purchase from a type of supplier usually used for a similar item and of a quantity in which a similar item is usually purchased.

[Sec. 5 amended by Amdt. 1]

SEC. 6. *How you figure your ceiling prices each week, starting Monday, May 14, 1951.* Before making any sale of an item of "dry groceries" on each Monday after May 14, 1951 (or on Tuesday if Monday is a holiday and your store is closed) you must refigure your ceiling price for any item if your "net cost" of that item is different from the "net cost" on which your existing ceiling price is based. You must follow the rules in section 4 basing your "net cost," however, on the largest single delivery of a customary quantity received by you from your customary type of supplier during the seven days preceding Monday. If you cannot determine your "largest single delivery" because you have received more than one delivery of the same quantity, use the most recent of these deliveries.

Any group of stores under one ownership pricing from a central point may refigure ceiling prices for items so priced, based on the "net cost" of deliveries received during the seven days preceding the previous Friday. These prices must not be put into effect until the following Monday.

[Sec. 6 amended by Amdt. 1]

SEC. 7. *Dry groceries which you import.* This regulation shall not apply to you for sales of any dry grocery item purchased by you directly from a foreign seller or his agent for importation into the continental United States. Your ceiling price for such items shall be determined by you in accordance with the General Ceiling Price Regulation or any other applicable ceiling price regulation covering the sale of the item by importers.

Perishables

SEC. 8. *How and when you figure your ceiling prices for "perishables"*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, variety, and grade) of "perishables" listed in Table B shall be the total of (1) the "net cost" of the largest delivery of the item to you during the seven days preceding Monday of each week, plus (2) the mark-up given you for it in Table B.

(b) *When you must figure your ceiling prices.* By the opening of business on May 14, 1951, you must have figured your ceiling price for each item of "perishables" listed in Table B which you have in stock at that time. These ceiling prices must be checked each week after May 14, 1951, and changed on Monday of each week for any item if your "net cost" of that item has changed in the preceding seven days. Never change your ceiling price on any day but Monday.

For the items which you receive for the first time or which you have not had in stock for 7 days, you must figure and use a ceiling price at once using the net cost of that first delivery. On each Monday after that, you must treat the item as you would any other item of perishables covered under this regulation.

Stores under one ownership pricing from a central point may refigure ceiling prices for items so priced based on the net cost of deliveries received during the seven days preceding Friday of each week. These prices must not be put into effect until the following Monday.

[Paragraph (b) amended by Amdt. 1]

SEC. 9. *Directions for applying the rule for "perishables"*—(a) *Net cost.* To figure your ceiling price, first find the "net cost" of the largest delivery to you of the item during the seven-day period before the Monday for which you are figuring your price. If you have received more than one delivery of the same largest quantity, use the most recent of these deliveries. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment, plus all transportation charges you paid, which may include costs for icing, refrigeration, and ventilation, but which may not include costs for local trucking and local unloading.

(1) Your net cost must be based on purchases from a customary type of supplier delivered to your usual receiving point by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on the basis of the "selling unit", (for example, 1 pound) listed in Table B for the commodity group which includes the item you are pricing. Always figure net cost to the nearest half cent. (Fractions of exactly one-quarter cent are rounded up to one-half cent and fractions of exactly three-quarters of a cent are rounded up to the next cent.)

(3) If you have an item in stock at the opening of business on May 14, 1951, but you did not receive delivery of the item during the week before, you shall, in figuring your first ceiling price for the item on May 14, 1951, base your net cost on its most recent delivery to you.

[Paragraph (3) amended by Amdt. 1]

(b) *Mark-up.* Turn to Table B to find the mark-up for the item given for your group of store. Table B lists all the "perishables" covered by this regulation by commodity groups.

(c) *Ceiling price.* (1) Next turn to Table C. Using the directions given there, you will get your ceiling price for the item.

(2) *Sales in other quantities.* You may sell an item in a quantity other than the "selling unit" given in Table B. If you sell an item in a quantity other than the "selling unit" given in Table B, you must reduce or increase your ceiling price proportionately. If figuring a price for a quantity different from the "selling unit" results in a fraction of a cent, you may charge the next higher cent.

SEC. 10. *Price which you must display.* At all times, you must have your current selling price for each item of food covered by this regulation clearly shown on the item or at or near the place in your store where the item is offered for sale. Of course, this displayed price must never exceed your ceiling price.

SEC. 11. *Indirect price increases prohibited.* You must not evade any of the provisions of this regulation or any order issued pursuant to it by any scheme, or device. You must not, as a condition of selling any particular food, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You may not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost as used in section 4 or 9 would be and use that net cost to figure your ceiling price. You may never use the net cost of a purchase from another retailer to figure a ceiling price if it results in a net cost higher than you would have if you purchased the item from your regular supplier or any other source normally available to you.

SEC. 12. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt or similar evidence of purchase, you must continue to do so. Furthermore, regardless of your custom, you must give any customer who asks for it a receipt showing the date, your name and address, and quantity and name of each food item sold, and the price you charged for it.

SEC. 13. *Records.* After April 5, 1951, you must keep for one year after you receive them all your invoices, freight bills, and other records showing the price you paid and the date you received delivery of each item covered by this regulation.

You are required to show all your invoices on request of any OPS representative and to furnish on request of any OPS representative a written record of your ceiling price in effect at any particular time or times for any or all of the items covered by this regulation. You must also keep available for inspection by an OPS representative the records you used in deciding what group your store is in.

Stores under one ownership pricing from a central point must also keep available at all times in each store a list showing the current selling price, as set at the central point, of each item so priced. These price lists must also be

kept for one year in the warehouse from which the food items are delivered to the store or the office which covers the territory in which the warehouse is located. On request, such price lists must be shown to any OPS representative.

SEC. 14. *Prohibitions.* On and after May 14, 1951, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provisions of this regulation or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950. Also, any person, who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that act.

[Sec. 14 amended by Amdts. 1 and 2]

SEC. 15. *Notice of dollars-and-cents ceiling prices.* From time to time the OPS may, by order, fix in your area or community, dollars-and-cents ceiling prices for some or all of the "dry groceries" or "perishables" under this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices, and those orders may provide that such prices take the place of the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation, you must continue to figure your prices under this regulation.

SEC. 16. *Further provisions supplementing or explaining this regulation.* From time to time, the Price Director may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

(a) Whenever an amendment adds any food product to the list of items covered in Table A, you must figure your ceiling price for that food product in accordance with sections 3, 4, and 5. However, in doing so, you shall substitute the effective date of such amendment for the date May 14, 1951, whenever it appears in sections 3, 4, and 5.

[Paragraph (a) amended by Amdt. 1]

(b) Whenever an amendment changes either a commodity definition in Table A by transferring a food product from one commodity group to another or the mark-up for your group of retailers, you must, by the opening of business on the effective date of such amendment refigure your ceiling prices for the items affected by such amendment. However, in doing so, you must use as your "net cost" the same "net cost" you used in figuring the ceiling prices you had on the effective date of the amendment.

(c) Unless otherwise specifically provided, if your "net cost" of any item covered by this regulation is based upon a delivery from a person owned or controlled by (or owning or controlling) you, who is not subject to this regulation, and the item is not "manufactured or otherwise processed" by such person or by you, your "net cost" may not exceed the "net cost" which would result if such person had been subject to this regulation, plus transportation (not including local trucking or local unloading) to your usual receiving point.

ARTICLE II—SPECIAL PRICING PROVISIONS

SEC. 17. *Additions allowed for certain extra services rendered by you*—(a) *Addition allowed for delivery by you to your customers.* If you deliver to your customers' homes or places of business any of the items covered by this regulation you may add to the total value of the delivery, as a separate charge, 25 cents for such delivery if the total value thereof is $3.00 or more.

(b) *Addition allowed for accepting and filling telephone orders.* If you generally offer to all your customers the service of taking orders by telephone, and assembling orders as "will call" or for later delivery, you may add as a separate charge to the total value of any order taken by telephone and assembled, a fee of 15 cents. A copy of all telephone orders to which you have added this additional fee must be retained by you for a period of one year.

SEC. 18. *Additions for packaging.* (a) If you buy in bulk any item covered by this regulation (except spices, tea and gelatin) and then package and sell it in cardboard containers, cotton bags, transparent bags, interlined coffee bags, or Kraft bags or similar type bags, on which the name, weight and ingredients of the commodity are stamped or printed and which are packed and sealed at a place and time other than the point and time of sale, you may add to your "net cost" whichever of the following allowances applies:

(1) 2 cents for every such bag or container with a net weight of less than 2 pounds.

(2) 2½ cents for every such bag or container with a net weight of 2 pounds or more, but less than 5 pounds.

(3) 1 cent per pound for every such bag or container with a net weight of 5 pounds or more but not to exceed a total of 5 cents.

[Paragraph (a) amended by Amdt. 2]

SEC. 19. *Gift and holiday packages assembled by you.* If you assemble, into gift or holiday packages, any food items covered by this regulation, with or without any items not covered by this regulation, you must figure your ceiling price for such package under whichever of the following paragraphs applies:

(a) For packages assembled in cardboard, wooden, or other plain containers (for example, "overseas" or "servicemen's" packages), your ceiling prices will be the sum of the following, multiplied by 1.05:

(1) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable ceiling price regulation. If you have no ceiling price for any item (or article), use your current selling price for that item.

(2) Your direct cost of the packaging materials used for the particular package, including the container.

(b) For packages assembled in permanent containers designed and constructed for re-use (including but not limited to trays, cedar boxes, hampers, teakwood chests, fancy baskets), your ceiling price will be the sum of the following, multiplied by 1.15:

(1) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable ceiling price regulation. If you have no ceiling price for any item (or article), use your current selling price for that item.

(2) Your ceiling price for the container figured under the applicable ceiling price regulation. If you have no ceiling price for the container, use your direct cost for the container.

(3) Your direct cost of the packaging materials used for the particular package.

SEC. 20. *Special allowance for forwarding gift package to a donee in a foreign country.* If you deliver a food package directly, upon order of the purchaser to a donee (other than a member of the armed forces of the United States) in a foreign country outside of the North American continent, you may add to you ceiling price an amount not to exceed 50 cents for forwarding such package, plus the actual mailing and insurance charges.

This allowance may be applied only to the shipment and delivery of individual food gift packages and not of wholesale lots.

SEC. 21. *How you figure your "net cost" in certain cases*—(a) *Frozen fruits, berries, and vegetables.* If, after you have figured a ceiling price for an item of frozen fruits, berries, fruit or berry juices, vegetables or vegetable juices, you do not receive additional deliveries of such an item from a supplier but you have had such item in storage from which you supply your store, for a period of at least four weeks since you last figured your ceiling price for the item, you may on the fourth Monday after you last figured your ceiling price for the item, add to the "net cost" (before the rounding of fractions) on which your existing ceiling price is based, your actual costs, per unit, incident to storage for the period since you last figured your ceiling price.

(b) *Smoked fish which you process.* (1) If you buy smoked fish in the form of slabs (gutted, headed and halved) and sell it in slices, you shall multiply your "net cost" per pound for the item by 1.20. To get your ceiling price per pound for such slices, apply the mark-up for your group of retailer to the resulting figure.

(2) If, prior to offering for sale, you change the form of an item of smoked fish bought drawn (gutted) to dressed (headed, with fins off), and sell it whole, in chunks or in slices, you shall multiply your "net cost" per pound for the item by 1.10. To get your ceiling price per pound, apply the mark-up for your group of retailer to the resulting figure.

SEC. 21a. *Additional allowance for warehousing and delivery of frozen foods.* If the price you pay for any item of frozen foods is no higher than the manufacturer's or processor's ceiling price for the item, you may, in determining your ceiling price for the item use whichever of the following is applicable.

(a) *Complete warehousing and delivery.* If you receive, handle and deliver any item of frozen foods in the following manner, you may multiply your "net cost" of the item by 1.08 before applying the markup allowed for your store group in Table A:

(1) Your usual receiving point of the item is a warehouse owned, leased, or controlled by you, which is designed for

the purpose of maintaining frozen foods at proper temperatures, and the item is stored in such a warehouse.

(2) You accept title to the item prior to, or at the time, it is first placed in storage in such warehouse.

(3) You assemble orders for delivery in such warehouse or in a breakup room in such warehouse.

(4) You ship or deliver the item to your retail store in special containers, or in trucks that are designed to maintain frozen foods at proper temperatures, and such containers or trucks are owned, leased, or controlled by you.

If, at any time, you discontinue entirely the above method of doing business for the item you may no longer multiply your "net cost" of that item of frozen foods by 1.08 before applying the markup allowed for your store group in Table A. In the event, however, your method of performing the above functions changes in part for the item, you must immediately report the circumstances to the OPS district office for the area where the warehouse at which you receive your frozen foods is located, and apply in writing under the provisions of paragraph (b) of this section. Pending action by such district office on your application under the provisions of paragraph (b) of this section, you may upon filing such application begin to add the additional percentage figure, not to exceed 8 percent of the "net cost" for the item, set forth in answer to paragraph (b) (3) of this section to your "net cost" for the item of frozen foods before applying the markup allowed for your store group in Table A.

(b) *Partial and contract warehousing and delivery.* If you do not receive, handle and deliver an item of frozen foods in the precise manner and in all the respects outlined in paragraph (a) of this section, but you do perform some of these functions, or you contract to have some or all of such functions performed for you, you may apply in writing to the OPS district office for the area where the warehouse at which you receive your frozen foods is located, for authority to add a specific percentage markup, not to exceed 8 percent, to your "net cost", to reflect an allowance for your actual warehousing, assembly and delivery costs for the item. Your application must be filed in duplicate with such OPS district office and must contain for your calendar or fiscal year 1950, (if not in business all of 1950 use your most recent fiscal period) the following information:

(1) A complete description of the actual warehousing, assembly and delivery functions performed by you or which you contract to have performed for you in connection with the distribution of frozen foods which you own.

(2) A statement showing, for each of the functions described in paragraph (a) (1), (3), and (4) of this section, the "net cost" of frozen foods so handled, and the actual out-of-pocket expenses incurred by you because of the performance of such warehousing, assembly and delivery functions which you would not have incurred if you had not handled frozen foods in such manner. If you cannot segregate your handling costs because you contract for more than one of the functions described above and such contract does not specify the portion allotted to each such function, your statement must include a complete description of your contractual arrangements.

(3) A statement showing such actual warehousing, assembly and delivery costs incurred by you in terms of a percentage of your "net cost", not to exceed 8 percent, for frozen foods handled in such manner.

If such OPS district office does not notify you within 10 days from the date that you file your application, you may begin to add the additional percentage figure set forth in answer to sub-paragraph (3) of this paragraph, to your "net cost" of the item of frozen foods before applying the frozen food markup for your store group in Table A, subject to any action which may be later taken by such OPS district office. In no event may such percentage markup exceed 8 percent of the "net cost" for any item of frozen foods. If, any time, after you are authorized to use such percentage markup, your method of performing these warehousing, assembly and delivery functions changes in any material respect, you must report the circumstances to such OPS district office, and upon a review of the facts your percentage markup allowance, not to exceed 8 percent of the "net cost" for the item, may be adjusted to reflect the changes in your method of operation.

(c) *Retailers who have not previously performed partial or contract warehousing and delivery.* If you did not perform any of the warehousing, assembly and delivery functions outlined in paragraph (a) of this section prior to the effective date of this amendment and you now desire to perform some of such functions or contract to have some or all of such functions performed for you, you may apply to the OPS district office for the area where the warehouse in which you will receive your frozen foods is located, for authority to add a specific markup to your "net cost" not to exceed 8 percent, to reflect an allowance for the actual warehousing, assembly and delivery costs for any item of frozen foods you handle in the proposed manner. Your application must be filed in duplicate with the OPS district office and must contain the following information:

(1) A complete description of the actual warehousing, assembly and delivery functions which you intend to perform or which you will contract to have performed for you in connection with the distribution of frozen foods.

(2) A statement showing for each of the functions described in paragraph (a) (1), (3), and (4) of this section, the estimated "net cost" of frozen foods to be so handled, and the actual out-of-pocket expenses which you estimate will be incurred by you because of the performance of such warehousing, assembly and delivery functions which you will not incur if you do not handle frozen foods in such manner. The figures contained in this statement shall be estimated for a six months period from the date of your application. If you cannot segregate your handling costs because you are contracting for more than one of the functions described above, and such contract does not specify the portion allotted to each such function, your statement must include a complete description of your proposed contractual arrangements.

(3) A statement showing an estimated percentage markup, not to exceed 8 percent, to your "net cost" for frozen foods which will be necessary to reflect an allowance for the actual warehousing, assembly and delivery cost which will be incurred by you if you handle frozen foods in such manner.

You may not operate under this section until you are notified in writing by such OPS district office of the additional percentage markup, not to exceed 8 percent, which you will be allowed to use. In addition, within twenty-five days after the close of the first six months of operation you shall submit to such OPS district office a new application under the provisions of paragraph (b) of this section using your actual cost data for this six months period, so that your percentage markup, not to exceed 8 percent, may be adjusted to reflect your actual warehousing, assembly and delivery costs.

(d) If you price any item of frozen foods under the provisions of this section you may not use the provisions of section 21, paragraph (a) in arriving at your "net cost."

[Sec. 21a added by Amdt. 4]

SEC. 22. *Additions for delivery from your warehouse to your store.* If your store is located at a distance of 125 miles or more from your warehouse which is your usual receiving point, you may, in determining your ceiling price for an item delivered from the warehouse to your store, use whichever of the following is applicable:

(1) If the store is located at a distance of from 125 through 199 miles from such warehouse, you may add 1 to your mark-up figure. (Example: If your mark-up figure on breakfast cereals in Table A is 16 percent, you change it to 17 percent.)

(2) If the store is located at a distance of from 200 through 299 miles from such warehouse, you may add 2 to your mark-up figure.

(3) If the store is located at a distance of from 300 through 399 miles from such warehouse, you may add 3 to your mark-up figure.

(4) If the store is located at a distance of 400 miles or more from such warehouse, you may add 4 to your mark-up figure.

SEC. 23. *How you figure your ceiling prices for foods you "manufacture or otherwise process".* If you "manufacture or otherwise process" and sell at retail any item covered by this regulation, you will figure your "net cost" or ceiling price for such item under whichever of the following provisions applies:

(a) If the item is one for which the OPS has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers, but the regulation makes no provision for manufacturers selling at retail the lowest ceiling price under that regulation for sales delivered to your usual receiving point shall be your "net cost."

(b) If the item is one for which the OPS has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers and makes a provision for manufacturers selling at retail, you shall figure your ceiling price for such item as a manufacturer under that regulation. You will not attempt to figure a "net cost" and apply a mark-up under this regulation.

(c) If the item is one for which the OPS has not issued, or does not later issue, a regulation establishing dollars-and-cents ceiling prices for sales by manufacturers, you shall figure your ceiling price for such item as a manufacturer under the appropriate regulation covering the sales of such item by manufacturers. You will not attempt to figure a "net cost" and apply a mark-up under this regulation.

(d) If, after you have established a ceiling price for an item which you "manufacture or otherwise process", the manufacturer's regulation which you used in figuring your ceiling price under paragraph (a), (b), or (c) of this section is amended so that either (1) the manufacturer's regulation is no longer the type described in the applicable paragraph of this section or (2) the type of regulation is not changed but the prices set forth therein are changed; you must, within 5 days after the effective date of such amendment, refigure your ceiling price for the item under the applicable paragraph of this section based on the manufacturer's regulation as amended.

(e) For the purpose of this regulation you shall be considered a manufacturer of any item which you manufacture or otherwise process directly, or which is manufactured for you by a person to whom you supply the raw material.

SEC. 24. *Special pricing provisions for manufacturers selling some commodities at retail.* Any person, the larger part of whose business is the manufacturing or processing of foods, but

(a) His entire business in connection with a particular commodity consists of the purchase and resale of such commodity without materially changing its form, and

(b) The larger part of his sales of such commodity are made to ultimate consumers other than commercial, industrial or institutional users,

(c) Shall figure his ceiling prices for sales of such commodity to ultimate consumers other than commercial, industrial or institutional users in accordance with the provisions of this regulation, and shall, for such purposes, be considered a retailer covered by this regulation.

SEC. 25. *Mail order sales.* When you make mail order sales, you may add to your ceiling prices determined under this regulation your actual express or mailing expense to the buyer's address.

ARTICLE III—ADJUSTMENT PROVISIONS

SEC. 26. *How you may, under certain conditions, apply to use Group 1 mark-ups.* (a) If your store meets the gross margin requirements specified in this section and does business in the manner outlined below, you may apply under paragraph (b) of this section to use the mark-ups provided in Ceiling Price Regulation No. 16 for Group 1 stores:

(1) Most of your sales in your grocery department are made by sales clerks who assist customers in selecting, collecting, and wrapping merchandise;

(2) Your store generally offers to all its customers the services of taking orders by telephone, carrying monthly charge accounts, and providing delivery service;

(3) The general level of your prices for grocery products was during January 1951 at least as high as the level maintained by Group 1 stores, and was generally higher than that maintained by Group 3 and 4 stores, for such products in your community; and

(4) The total gross margin in your fiscal year 1950 was at least 23 percent on all sales in your food departments and also, if you are not an "independent" store, at least 23 percent on the combined sales of the food departments in all the stores for which you seek adjustment in your organization. Do not count a restaurant as a food department. If not in business during all of 1950 use your most recent fiscal period.

(b) Your application must be filed in duplicate with the OPS district office for your area on a form which you may get from that office. You may combine on one form the applications of more than one of your stores. If your application is finally approved, OPS will tell you when to begin using the Group 1 mark-ups, and from such time on you shall display a sign in your store designating it as a "Group 1" store, and it shall be considered a Group 1 store for the purpose of all "special pricing provisions" contained in Ceiling Price Regulation No. 16.

(c) If, however, under Maximum Price Regulation No. 422 issued in 1943 by the Office of Price Administration (1) you were either a Group 3 or Group 4 store on the basis of sales volume, and (2) you can establish that you were authorized by the Office of Price Administration to use Group 1 mark-ups, and (3) such authority was never revoked, and (4) you meet the gross margin requirements specified above, and (5) you certify that your method of doing business has not changed in any material respect since the time you were authorized to use Group 1 mark-ups, you may consider yourself a Group 1 store under Ceiling Price Regulation No. 16 as soon as you have filed your application in accordance with this section. This authority may be withdrawn if it is determined that your store does not qualify for adjustment under this section.

SEC. 26a. *How certain stores or food departments, selling mostly "specialty" food items may under specific conditions apply to be excluded from using the markups in this regulation for the purpose of establishing their ceiling prices.* (a) If your store or food department meets the average markup requirement specified in this section and does business in the manner outlined below you may apply under paragraph (b) of this section to be excluded from using the markups in this regulation for the purpose of establishing your ceiling prices.

(1) Most of your sales in your store or food department are sales of "specialty" food items made by sales clerks who assist customers in selecting, collecting and wrapping or packaging merchandise.

(2) Your store or food department generally offers to all its customers the services of accepting and filling telephone orders, carrying monthly charge accounts and providing delivery.

(3) The general level of your prices in your store or food department was higher than Group 1 stores in your community during your fiscal year 1950.

(4) The average markup on "net cost" was at least 40 percent on all food sales for your fiscal year 1950 and also, if you are not an independent store, at least 40 percent on the combined food sales in all the stores for which you seek adjustment in your organization. Do not count a restaurant as a food department. If not in business during all of 1950, use your most recent fiscal period.

(b) You must before September 30, 1951, file with the OPS district office for your area an application in duplicate (1) showing clearly that you do business as outlined in paragraph (a) above of this section, and (2) showing the number of items you normally sell in your store or food department, and (3) showing your average markup on "net cost" for fiscal year 1950 (if not in business during all of 1950 use your most recent fiscal period), and (4) showing the percentage of food items which produce an average markup on "net cost" of 40 percent or more to the total number of food items you sell in your store or food department. You may consider your store or food department excluded from using the markups in this regulation for the purpose of establishing your ceiling prices as soon as you have filed your application in accordance with this section. Then figure all your ceiling prices for food items under the General Ceiling Price Regulation, as amended. This authority may be withdrawn if it is determined by OPS that your store or food department does not qualify for adjustment under this section. Applications for adjustments are governed by Price Procedural Regulation 1.

[Sec. 26a added by Amdt. 2 and amended by Amdt. 6]

SEC. 27. *How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for mark-up adjustments.* If your store is necessary to provide an adequate supply of food products in a locality; and by reason of remote location, long-term credit, short selling season, or other such unusual operating conditions, you find it impossible to operate under the mark-ups fixed by this regulation, you may apply for an adjustment of such mark-ups by filing with the OPS district office for your area two copies of a signed statement giving for your store: (1) its name and address; (2) its group under this regulation; (3) its type (for example, cash-and-carry; service, delicatessen); (4) the approximate number of its food customers; (5) the total number of stores selling food in its community; (6) its distance from the nearest store selling food and the name and address of that store; and (7) the reasons why you are unable to operate under the mark-ups fixed by this regulation.

If you have more than one store you may file one application for all your stores which meet the conditions stated above. Your application must state separately for each store the specific information this section calls for.

SEC. 28. *Applications for adjustment.* Any Regional Office of the OPS, or such offices as may be authorized by order issued by the appropriate Regional Of-

fice, may act on all applications for adjustment under the provisions of this regulation. Applications for adjustment are governed by Price Procedural Regulation 1.

ARTICLE IV—MISCELLANEOUS PROVISIONS

SEC. 29. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales," take your total sales for the calendar year 1950. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1950 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were not in business during the entire year 1950 you must divide your total sales from the time you began operation up to May 14, 1951, by the number of weeks you were in business. This will give you your weekly average sales. Multiply this figure by 52, and the result is your "annual gross sales."

[Paragraph (b) amended by Amdt. 1]

SEC. 30. *How you determine your group in certain special cases*—(a) *Department stores.* If you operate a department store, that is, a store in which the greater volume of sales is general merchandise and not foods, and you sell foods in a separate department or departments, you must determine your group by using only the "annual gross sales" of your food department or departments.

(b) *Stores in which more than one retailer operates.* (1) If you sell food in a retail store in which there are other food retailers, none of whom sells a complete line of the same general class of food, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store. If the total "annual gross sales" of all the food retailers in that store is not readily available, you shall apply, in writing, within thirty days after the issuance of this regulation, to the OPS district office for your area for a determination of your group, stating your own "annual gross sales" figure for the applicable year. Each District Director is authorized to act on requests covering stores located within his district, and action taken shall be by order.

(2) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you will be considered as operating a separate retail store of your own, and you must determine your group by using only your own sales.

(c) *New stores.* If you open a retail store after May 14, 1951, you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not at that date your store is an "independent" store, and you must figure your ceiling prices accordingly. (If you are a Group 1 store, you must figure your ceiling prices under Ceiling Price Regulation No. 16.) However, after you have been in business for 3 months you must determine again what group your store is in. To do this, take your total sales for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in determining the group in which your store belongs.

If you find that your store should now be in another group, you may continue to use the Group 1 or 3 markups until the second Monday following the end of the 3-month period, by which time you must have refigured all your ceiling prices using the markups for your new group. You shall use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Monday. If, under that section, you would not have been required to refigure your ceiling price for any item on that Monday, you shall use as your "net cost" for that item the same "net cost" on which your existing ceiling price at that time is based.

[Paragraph (c) amended by Amdt. 1]

(d) *Discontinuance of stores.* (1) If you are not an "independent" store and you close one or more of your stores so that you now have less than 4 stores under one ownership, you may find your group for each of the remaining stores by determining the "annual gross sales" under section 29 (a), treating each store as an "independent" store.

(2) If you are not an "independent" store and you close one or more of your stores, but 4 or more stores continue under one ownership, you may refigure the combined "annual gross sales" under section 29 (a) for those remaining in operation. If the combined "annual gross sales" are not $750,000 or more, you may then determine your group for each store, treating each as an "independent" store.

(3) If you find that any store is now in another group, you may refigure all of your ceiling prices for that store before the opening of business on any Monday. You must use as your "net cost" the same "net cost" which you would have used in refiguring under sections 4 and 9 your ceiling prices on that Monday of this regulation if a Group 4 store (or under sections 4 and 9 of Ceiling Price Regulation No. 16 if a Group 1 or Group 2 store). If, under that section, you would not have been required to refigure your ceiling price for any item on that Monday, you must use as your "net cost" for that item the same "net cost" on which your existing ceiling price is based. Further, if any store is now in Group 1 or Group 2, it is subject to all other provisions of Ceiling Price Regulation No. 16.

SEC. 31. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a sale at retail of food covered by this regulation if you state the tax separately, and if the statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 32. *Transfer of business and stock in trade.* If, after May 14, 1951, you acquire in any way the business, assets, and stock in trade of any retail store covered by this regulation and you carry on the business, or continue to deal in the same type of food products in that same store, your ceiling prices shall be the same as those of the former owner as if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you, or give you, all the records of his transactions before you acquired the store which you need to comply with the record provisions of this regulation.

If the transfer changes the business from one group of retail stores to another, your ceiling prices shall be those for the group of retailer to which you belong under this regulation.

[Sec. 32 amended by Amdt. 1]

SEC. 33. *Export sales.* The ceiling prices at which a person may export any product covered by this regulation shall be determined in accordance with the applicable price regulation covering export sales issued by the OPS.

SEC. 34. *Relation to other regulations.* The provisions of this Ceiling Price Regulation No. 15 except as otherwise provided in this regulation, shall, on and after May 14, 1951, supersede the provisions of the General Ceiling Price Regulation, and any other price regulation or order issued by the OPS with respect to sales and deliveries for which ceiling prices are established by this regulation.

[Sec. 34 amended by Amdt. 1]

SEC. 35. *Definitions*—(a) *"Retail route seller."* A "retail route seller" is a retailer who distributes food products to ultimate consumers who are not commercial, industrial or institutional users, either on a future delivery basis or otherwise, from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes. A retailer, most of whose business is the personal solicitation of orders by salesmen calling at the homes or places of business of ultimate consumers, who are not commercial, industrial or institutional users, shall also be considered a retail route seller. A retailer is a "retail route seller" only of the food products he sells in this way.

(b) *Health food stores.* A "health food store" or "health food department" is one whose sales to consumers consist principally of "specially prepared dietetic foods." For the purpose of this regulation a "health food department" is a separate and distinct department operated by separate and specially trained personnel and for which separate records and accounts are maintained. "Specially prepared dietetic foods" are foods manufactured and sold for restricted diets and for special dietetic purposes, including but not limited to specially prepared foods for diabetic or arthritic conditions, or high blood pressure; specially prepared weight building or tonic foods; and vitamin or mineral supplements.

(c) *Delivery.* Delivery to you of an item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

(d) *Usual receiving point.* Your usual receiving point will be either your retail store or your warehouse from which you supply your retail stores, depending upon where you normally receive the particular item you are pricing under this regulation.

(e) *Item.* You must determine a separate ceiling price for each item; that is, for each kind, brand, size, variety, grade, container-type and container-size.

(f) *Manufacture or otherwise process.* "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, bottling, milling, crushing, straining, roasting, centrifuging, cook-

ing, distilling, purifying with heat, printing of butter, and other similar operations, and packaging of spices, tea, and gelatin.

Packaging as used in section 18 shall not be considered manufacturing or processing under this regulation.

(g) *Group 1 retailer.* A retailer is in Group 1 if he is an "independent" retailer with an "annual gross sales" of less than $75,000.

(h) *Group 2 retailer.* A retailer is in Group 2 if he is an "independent" retailer with an "annual gross sales" of $75,000 or more, but less than $375,000.

(i) *Great Lakes marine supplier.* A "Great Lakes marine supplier" means a person operating a selling establishment which buys and resells food products for the most part to "operators of a lake vessel or vessels," for consumption aboard such vessel or vessels, with delivery from shore locations by use of truck or launch facilities. "Operator of a lake vessel or vessels" means any person who owns or operates a lake vessel or vessels, other than passenger boats, engaged in shipping upon the Great Lakes, and who in operating such vessels purchases or receives food products covered by this regulation from a Great Lakes marine supplier for consumption aboard such vessels.

[Paragraph (i) amended by Amdt. 6]

(j) *Specialty foods.* Specialty foods shall mean food items normally classed as table delicacies or luxury items such as sea squab, terrapin stew, brandied fruits, fancy imported foods, wild game, etc., which the average wholesale grocer and retailer does not stock as a complete line of merchandise.

[Paragraph (j) added by Amdt. 2]

SEC. 36. *Geographical applicability.* The provisions of this regulation shall apply to the 48 States of the United States and to the District of Columbia.

ARTICLE V—TABLES

SEC. 37. *Table of mark-ups for "dry groceries" (Table A)—(a) Table A—Mark-ups over "net cost" allowed to Group 3 and Group 4 retailers for dry groceries covered by this regulation by commodities.*

TABLE A

[Mark-ups over "net cost" allowed to Group 3 and Group 4 retailers for dry groceries covered by this regulation by commodities]

Food Commodities	Allowed mark-ups over net cost: Group 3—Retailer other than independent, with annual volume under $375,000	Allowed mark-ups over net cost: Group 4—Any retailer with annual volume of $375,000 or more
	Per cent.	Per cent.
1. Baby foods	18	16
2. Cereals, breakfast	18	16
3. Cocoa, chocolate and cereal drink preparations	22	21
4. Coffee	12	11
5. Cookies, crackers, toast, and crumbs	25	25
6. Corn meal, hominy and flour mixes	25	21
7. Dog and cat foods	24	24
8. Fish, processed	21	21
9. Flour	20	14
10. Frozen foods	27	27
11. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	25	25
12. Fruit cocktail, pineapple, peaches and pears (canned) except juices	23	21
13. Fruits, dried and dehydrated	25	25
14. Gelatin and pudding mixtures	23	18
15. Jams, jellies, preserves, honey and peanut butter	31	31
16. Lard, pure	17	15
17. Macaroni and spaghetti products	27	26
18. Mayonnaise and salad dressing	22	22
19. Meat, canned	19	18
20. Milk, canned	10	9
21. Oils, cooking and salad	24	16
22. Oleomargarine	14	14
23. Pickles and relishes	31	31
24. Rice	24	20
25. Shortening, hydrogenated	9	9
26. Shortening, other	17	13
27. Soups, canned	19	19
28. Soups, dehydrated	31	27
29. Spices	46	46
30. Syrups	24	21
31. Tea	25	25
32. Vegetables and vegetable juices (canned) except corn, green beans, peas, tomatoes and tomato juice	29	27
33. Corn, green beans, peas, tomatoes and tomato juice (canned)	23	21
34. Vegetables, dried and dehydrated	34	29
35. Vinegar	27	26
36. Miscellaneous foods	35	35

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations* –	(d) *Commodities excluded from price control at wholesale and retail*
(1) "*Baby foods*" means "baby" or "junior" cereals, fruits, vegetables, meats, pudding, soups and mixtures thereof, packed in hermetically sealed containers. Not included in this definition are dry baby cereals.	(1) "*Baby foods*". Excluded are: Dry baby cereals.	(1) "*Baby foods*". Excluded are: None.
(2) "*Cereals, breakfast*" means bulk or packaged cereal items of any size commonly used as breakfast foods, both uncooked and ready-to-eat types including but not limited to, bran flakes, farina, popped rice, and rolled oats. Not included in this definition are barley, corn meal, corn grits, hominy grits and flakes, rice and wheat bran flour.	(2) "*Cereals, breakfast*". Excluded are: Steel cut oats and wheat germ.	(2) "*Cereals, breakfast*". Excluded are: Imported "cereals, breakfast" if imported in consumer size containers.
(3) "*Cocoa, chocolate, and cereal-drink preparations*" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35% malted milk, chocolate syrup packed in consumer sizes, chocolate bits, and cooking chocolate and packaged powdered skim milk (spray process).	(3) "*Cocoa, chocolate, and cereal-drink preparations*". Excluded are: Malted milk and any preparations containing 35% or more malted milk, chocolate confections, bittersweet bars, milk chocolate, chocolate syrup packed in No. 10 tin or larger, powdered whole milk, powdered skim milk packaged in tin in inert gas.	(3) "*Cocoa, chocolate, and cereal-drink preparations*". Excluded are: Imported cocoa, chocolate and cereal drink preparations if imported in consumer size containers.
(4) "*Coffee*" means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes. Not included in this definition is frozen coffee concentrate.	(4) "*Coffee*". Excluded is: Green coffee in containers of the customary unit and weight in which they are imported into the United States.	(4) "*Coffee*". Excluded is: Imported coffee if imported in consumer size containers (2 lbs. or less).
(5) "*Cookies, crackers, toast and crumbs*" includes, but is not limited to biscuits, Christmas cookies, fig crackers, graham crackers, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal and related matzo products. Not included in this definition are any items which are bought by you in bulk and sold loose.	(5) "*Cookies, crackers, toast and crumbs*". Excluded are: Any baking product which you manufacture, Passover matzo, Passover matzo meal and related Passover products, any cookie or cracker item which is purchased in consumer sizes in tin or glass containers, baked goods, fresh, such as bread, pies, cakes, rolls, doughnuts, coffee cakes, candies (except cookies, crackers, toast and crumbs), and rice crackers.	(5) "*Cookies, crackers, toast and crumbs*". Excluded are: Imported cookies, crackers and toast, if imported in consumer size containers.
(6) "*Corn meal, hominy and flour mixes*" means bulk or packaged corn meal, corn grits, hominy, hominy grits, hominy flakes, prepared hominy and bulk or packaged flour mixes milled from wheat, seminola, farina, buckwheat, corn, rice and potatoes, including, but not limited to, prepared pancake, biscuit, pie crust and gingerbread mix. Not included in this definition is canned hominy which is in "Vegetables and vegetable juices, canned."	(6) "*Corn meal, hominy and flour mixes*". Excluded are: None.	(6) "*Corn meal, hominy and flour mixes*". Excluded is: Water ground corn *meal*.
(7) "*Dog and cat food*" shall not include any item prepared by you for pet food, or any frozen dog or cat food.	(7) "*Dog and cat food*". Excluded are: None.	(7) "*Dog and cat food*". Excluded are: None.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(8) *"Fish, processed"* includes canned fish, canned seafood, and salted or otherwise processed fish, such as fish cakes. Not included in this definition are frozen food products in which fish or seafood are combined with other ingredients, clams, crab meat, lobster, lobster bisque, and oysters.	(8) *"Fish, processed"*. Excluded are: Frozen fish and seafood, canned clams, and kippered, marinated, dried or smoked fish and seafood (except sardines).	(8) *"Fish, processed"*. Excluded are: Fresh fish and seafood, canned clam juice, fish and seafood pates, pastes and purees, sauce containing fish and seafood, fish roe, caviar, fish and seafood hors d'oeuvres; imported "fish, processed" if imported in consumer size containers, except tuna, crabmeat, and salmon.
(9) *"Flour"* means bulk or packaged (in any size) flour milled from wheat, seminola, farina, buckwheat, corn, rice, and potatoes, including but not limited to, all-purpose family flour, self-rising flour, cake flour, and enriched flour. Not included in this definition are all flour mixes.	(9) *"Flour"*. Excluded are: None.	(9) *"Flour"*. Excluded are: None.
(10) *"Frozen foods"* means packaged quick-frozen or cold-packed foods sold from refrigerated cabinets or lockers, including, but not limited to all fruits, berries, fruit or berry juices, and mixtures (except any of the foregoing in containers of a capacity of more than 50 pounds), vegetables, vegetable juices, and mixtures, including mushrooms, dog and cat foods not prepared by you for pet foods, applesauce, macaroni and spaghetti products, chop suey, chow mein, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and corned beef hash, frozen instant coffee, concentrated frozen fresh milk, frozen meat pies, frozen pies and pastries.	(10) *"Frozen foods"*. Excluded are: Frozen fruits, berries, fruit or berry juices and mixtures in containers of a capacity of more than 50 pounds, frozen fish and seafood, frozen meat, poultry, ice cream, sherbet and frozen confections.	(10) *"Frozen foods"*. Excluded are: Frozen hollandaise sauce.
(11) *"Fruits, berries and fruit juices, canned"* includes but is not limited to, apple sauce, apple cider, berry juices, concentrated fruit juices, citrus fruits and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries without stems, fruit nectars, bulk apple cider, fruits for salad, pineapple juice and non-carbonated liquid fruit beverages such as grapeade, lemonade, and orangeade. Not included in this definition are apple butter fruit butters, jam, jellies, fruit preserves, cocoanut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple (except pineapple juice), peaches, pears and frozen fruits.	(11) *"Fruits, berries and fruit juices, canned"*. Excluded are: None.	(11) *"Fruits, berries and fruit juices, canned"*. Excluded are: Brandied or stuffed fruits or berries; whole or half citrus fruits; cocktail slices and sticks; and maraschino cherries with stems, imported fruits, berries and fruit juices canned (except pineapple juice), if imported in consumer size containers.
(12) *"Fruit cocktail, pineapple, peaches, and pears (canned) except juices"*. Not included in this definition are fruits for salad and frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.	(12) *"Fruit cocktail, pineapple, peaches and pears (canned) except juices"*. Excluded are: None.	(12) *"Fruit cocktail pineapple, peaches and pears (canned) except juices"*. Excluded are: Brandied, liquor flavored and stuffed fruits, cocktail slices or sticks, imported fruit cocktail, peaches and pears (canned) if imported in consumer size containers.
(13) *"Fruits, dried and dehydrated"* (packaged or bulk) includes, but is not limited to, stuffed dried fruits, dried dates and figs, pitted dates and macerated dates. Not included in this definition are fruit confections, candied or glaced fruits and peels, fresh dates and date products.	(13) *"Fruits, dried or dehydrated"*. Excluded are: None.	(13) *"Fruits, dried or dehydrated"*. Excluded are: None.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(14) *"Gelatin and pudding mixtures"* includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, rennet, and pie fillings.	(14) *"Gelatin and pudding mixtures"*. Excluded are: None.	(14) *"Gelatin and pudding mixtures"*. Excluded are: Wine gelatins, wine dessert powders and all imported gelatin and pudding mixtures if imported in consumer size containers.
(15) *"Jams, jellies, preserves, honey, and peanut butter"* includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch type nut butters, honey butter and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Not included in this definition are cranberry jelly or sauce.	(15) *"Jams, jellies, preserves, honey and peanut butter"*. Excluded are: Honey packed with blossom, and comb honey.	(15) *"Jams, jellies, preserves, honey and peanut butter"*. Excluded are: Wine jellies, preserved kumquats, melons and fruit rind. Also excluded are imported jams, jellies, preserves and honey if imported in consumer size containers.
(16) *"Lard, pure"* (packaged or bulk) includes, but is not limited to, rendered pork fat. Not included in this definition are lard compounds which are classed as "shortenings, other".	(16) *"Lard, pure"*. Excluded are: None.	(16) *"Lard, pure"*. Excluded are: None.
(17) *"Macaroni and spaghetti products"* includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells", noodles, macaroni dinners, spaghetti dinners, canned macaroni and canned spaghetti. Not included in this definition are meat ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meatballs, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.	(17) *"Macaroni and spaghetti products"*. Excluded are: None.	(17) *"Macaroni and spaghetti products"*. Excluded are: Imported macaroni and spaghetti products if imported in consumer size containers.
(18) *"Mayonnaise and salad dressing"* includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and French dressing. Not included in this definition are meat spreads.	(18) *"Mayonnaise and salad dressing"*. Excluded are: None.	(18) *"Mayonnaise and salad dressing"*. Excluded are: Hollandaise sauce, cheese dressings, and imported mayonnaise and salad dressing if imported in consumer-size containers.
(19) *"Meat, canned"* includes but is not limited to, canned or glass chicken products, canned or glass turkey products, chicken and noodles, meat gravy, meat ravioli, pickled meats, luncheon meats, chili con carne, meat stews, meat spreads and spaghetti and meat balls. Not included in this definition are pigs feet, scrapple, tamales, tripe, veal loaf, minemeat, frozen food products in which meat, chicken or turkey are combined with other ingredients, frozen meat gravies and frozen meat stews and pies.	(19) *"Meat, canned"*. Excluded are: Canned breast of chicken, chicken fricassee, whole or half chicken, chicken-a-la-king, "Smithfield" ham and "Smithfield" ham products and any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts.	(19) *"Meat, canned"*. Excluded are: Canned smoked tongue, liver, hearts, gizzards, cocktail frankfurters, canned wild game, meat or poultry pates, canned turtle meat, imported canned meat if imported in consumer sizes of 2 lbs. or less, except beef and beef products, pate de foie gras and rattlesnake meat.
[Paragraph (b) (19) amended by Amdt. 6]		
(20) *"Milk, canned"* means evaporated or condensed cow milk, including but not limited to, filled evaporated milk products.	(20) *"Milk, canned"*. Excluded are: Goat milk, whole milk powdered, and powdered skim milk packaged in tin in an inert gas. Malted milk and any preparation containing 35% or more malted milk. Also excluded are fresh milk, cream and powdered skim milk, bulk.	(20) *"Milk, canned"*. Excluded are: None.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(21) "*Oils, cooking and salad*" means all vegetable, fruit leaf plant oils, cooking fats other than lard and shortening. Not included in this definition are olive oil, prepared dressings, and spice oils.	(21) "*Oils, cooking and salad*". Excluded are: None.	(21) "*Oils, cooking and salad*". Excluded are: None.
(22) "*Oleomargarine*" means any product labeled "Oleomargarine".	(22) "*Oleomargarine*". Excluded are: None.	(22) "*Oleomargarine*". Excluded are: None.
(23) "*Pickles and relishes*" (packaged) includes, but is not limited to, chow chow, pickled peppers, pickled relishes, pickled onions and pickled vegetables. Not included in this definition are mayonnaise relish spreads and tartar sauce.	(23) "*Pickles and relishes*". Excluded are: Bulk pickles, pickled fruits, burr gherkins, stuffed pickles, and relishes prepared by the retailer.	(23) "*Pickles and relishes*". Excluded are: Pickled rind and imported "pickles and relishes", if imported in consumer size containers.
(24) "*Rice*" packaged or bulk means all rice (including second heads) of the grades defined by the Department of Agriculture bulletin of Standards for Milled Rice (effective September 4, 1946). Not included in this definition are rice flour, rice flakes, popped rice, and canned Spanish rice.	(24) "*Rice*". Excluded are: Screenings and brewers' rice graded as Class XIII and Class XIV, respectively, by the Department of Agriculture bulletin of Standards for Milled Rice (effective September 4, 1946).	(24) "*Rice*". Excluded is: Wild rice.
(25) "*Shortening, hydrogenated*" means all fully hydrogenated shortening.	(25) "*Shortening, hydrogenated*". Excluded are: None	(25) "*Shortening, hydrogenated*". Excluded are: None.
(26) "*Shortening, other*" means shortenings other than fully hydrogenated shortening. Not included in this definition are butter, lard, oleomargarine, and suet.	(26) "*Shortening, other*". Excluded are: None.	(26) "*Shortening, other*". Excluded are: None.
(27) "*Soups, canned*" includes soups, broths and chowder. Not included in this definition are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.	(27) "*Soups, canned*". Excluded are: All bisques (except tomato, chicken, celery and mushroom), vichysoisse, minestrone and bouillabaisse.	(27) "*Soups, canned*". Excluded are: Turtle, wine and sherry-flavored, fish or seafood soups (except clam chowder), smoked turkey and game bird soups: almond, artichoke, broccoli cucumber and watercress soups: all imported soups if imported in consumer size containers.
(28) "*Soups, dehydrated*" means dry mixtures sold for soup making, including but not limited to, bouillon concentrates, and dry noodle soup mixtures. Not included in this definition are other macaroni or noodle products, lentils and dried peas.	(28) "*Soups, dehydrated*". Excluded are: None.	(28) "*Soups, dehydrated*". Excluded are: None.
(29) "*Spices*" includes, but is not limited to, bay leaves, caraway seeds, dried peppers, dry chili, celery seeds celery salt, celery flakes, chili powder, garlic, garlic salt, herbs, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, seasoned salt, sesame seed, thyme, and cream of tartar. Not included in this definition are table salt, spice oils and candied ginger.	(29) "*Spices*". Excluded are: Raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States; spices in assorted sets, contained in wooden or other type trays designed as permanent kitchen furniture, and spices and herbs packed in glass.	(29) "*Spices*". Excluded are: Imported spices and herbs, if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(30) "*Syrups*" means all malt, molasses, cane, maple, and corn syrups, and imitations or blends. Not included in this definition are chocolate and ice cream sundae syrups.	(30) "*Syrups*". Excluded are: Unmixed corn syrups, molasses sold for feeding purposes, sorghum syrup and fruit syrups for making beverages.	(30) "*Syrups*". Excluded are: Rock candy syrup, and imported syrup, if imported in consumer size containers.
(31) "*Tea*" includes all bulk or packaged tea, tea bags and concentrated tea.	(31) "*Tea*". Excluded are: Assam, Darjeeling, Formosa Oolong, Ceylon, Kee-Mun, Lapsang Souchong, Jasmine, and Fancy Green Teas and blends thereof; mate; and sales of tea in containers of the customary unit and weight in which they are imported into the United States.	(31) "*Tea*". Excluded is: Imported tea, if imported in consumer size containers.
(32) "*Vegetables and vegetable juices, canned*" includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, wax beans, sauerkraut, rhubarb, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimentos, and Chinese-style foods, including soy sauce, and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Not included in this definition are vegetable soups, "baby" or "junior" foods, pickles, corn, green beans, peas (except canned blackeye, crowder, cream and field peas), shoestring and julienne potatoes, french fried onions, tomatoes, tomato juice and frozen vegetables.	(32) "*Vegetables and vegetable juices, canned*". Excluded are: Baked beans prepared by the retailer, and potato chips.	(32) "*Vegetables and vegetable juices, canned*". Excluded are: Cocktail mushrooms, imported vegetables and vegetable juices canned, if imported in consumer size containers.
(33) "*Corn, green beans, peas, tomatoes, and tomato juice, canned*". Not included in this definition are frozen vegetables and canned blackeye, crowder, cream and field peas, and wax beans. "Canned" means processed and packaged in any container whether or not hermetically sealed.	(33) "*Corn, green beans, peas, tomatoes and tomato juice, canned*". Excluded are: None.	(33) "*Corn, green beans, peas, tomatoes and tomato juice, canned*". Excluded are: None.
(34) "*Vegetables, dried and dehydrated*" (packaged or bulk) includes, but is not limited to, dried beans, blackeye peas, dried mushrooms, dried peas and lentils. Not included in this definition are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili and dried peppers.	(34) "*Vegetables, dried and dehydrated*". Excluded are: None.	(34) "*Vegetables, dried and dehydrated*". Excluded are: Imported dried and dehydrated vegetables, if imported in consumer size containers.
(35) "*Vinegar*" (bottled or bulk) includes, but is not limited to, pure cider vinegar and distilled vinegar.	(35) "*Vinegar*". Excluded are: Wine, tarragon, malt and fruit vinegar (except apple).	(35) "*Vinegar*". Excluded are: Imported vinegars if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(36) *"Miscellaneous foods"* shall include all other dry grocery items except those specifically excluded in paragraphs (c) and (d) of this section. Among the items included under this heading are the following: Baking powder. Baking soda. Barley (pearl). Brown bread, and date and nut bread canned. Brewers yeast in consumer size packages not to exceed 2 pounds. Cherry juice (canned). Cocoanut, shredded, desiccated or moist. "Cookies, crackers, toast and crumbs" bought by you in bulk and sold loose. Corn starch, edible or gloss packaged in containers of 10 pounds or less (excluded are powdered prepared laundry starching compounds). Crab meat. Cranberry juice (canned). Date products. Extracts. Flavorings. Food colorings. French fried onions (canned). Fruit pectins. Glazed or candied fruits and peels. Ice cream sundae syrups, including chocolate syrup packed in No. 10 tins or larger or 1-gallon containers or larger. Loganberry juice (canned). Macaroni salad (canned). Meat flavorings. Meat sauces, except catsup, cocktail sauce, and chili sauce. Mincemeat. Mustard, prepared. Olives. Oysters (canned). Pigs feet (canned). Popcorn, not popped. Potato salad (canned). Potatoes, julienne (canned). Potatoes, shoestring (canned). Pudding, date. Pudding, fig. Pudding, plum. Scrapple (canned). Spanish rice (canned). Table salt packaged in cartons, bags, or packets containing 100 pounds or less, meat-curing and smoked salt, Kosher salt in cartons and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt (excluded are onion, celery or garlic salt). Spice oils. Tamales (canned). Tomato aspi (canned). Tom and Jerry batter (bottled). Tripe (canned). Veal loaf (canned). Yeast.	(36) *"Miscellaneous foods"*. Excluded are: Beer. Bird seed and gravel. Bread. Buttermilk, fresh. Candied ginger. Candy. Cheese, bulk, all types. Comb honey. Corn starch, edible or gloss (packaged in containers of more than 10 pounds). Corn sugar. Cream. Eggs. Feed, animal or poultry (other than pet food). Fresh fruits and vegetables. Frozen fish and seafood. Fruit cake. Fruit and vegetable powders for making beverages. Gift or holiday packages bought assembled, and containing one or more items covered by this regulation. Ice cream cones. Ice cream, sherbet and frozen confections. Laundry starching compounds, powdered prepared. Liquors. Maple sugar. Meat and fish (except "fish, processed", and "meat, canned"). Milk, fresh. Mineral oil. Molasses sold for feeding purposes. Nuts. Peanuts. Pet foods (except cat and dog foods or any frozen cat or dog foods). Popcorn, popped. Potato chips. Poultry, other than canned or bottled. Salads and relishes prepared by the retailer. Salt not covered by section 37 (b) (36). Soft drinks. Tamales, bulk. Tortillas. Vitamin concentrates. Wine.	(36) *"Miscellaneous foods"*. Excluded are: Truffles, capers, canned snails, cane or beet sugar, rattlesnake meat, easter egg dye, and olive oil.

[Paragraphs (b) and (c) amended by Amdt. 3; paragraph (d) added by Amdt. 3]

SEC. 33 (a) *Table of mark-ups for "perishables" (Table B)—Table B: Mark-ups over "net cost" allowed to Group 3 and Group 4 retailers for "perishables" covered by this regulation by commodities.*

TABLE B

[Mark-ups over "net cost" allowed to Group 3 and Group 4 retailers for perishables covered by this regulation by commodities]

	Allowed mark-ups over net cost		
	Group 3 Retailer other than independent with annual volume under $375,000	Group 4 Any retailer with annual volume of $375,000 or more	Selling unit in which ceiling price must be calculated
Food commodities			
(1) Dairy products:	*Percent*	*Percent*	
Butter	10	10	1 pound.
Cheese	24	22	1 pound or 1 package.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(1) *"Dairy Products"*. *"Butter"* (packaged) means only butter from milk, including but not limited to, processed salted, unsalted and whipped butter. Not included in this definition are peanut, nut, fruit or honey butters. *"Cheese"* shall include all packaged cheese, cheese spreads, and cheese foods purchased packaged.	*"Butter"*. Excluded are: Bulk or tub butter. *"Cheese"*. Excluded are: Imported packaged cheese if imported in consumer size containers. Cheese gift packages of assorted cheeses if assembled by you, and all types of bulk cheese.	*"Butter"*. Excluded are: None. *"Cheese"*. Excluded are: None.

[Paragraph (b) amended by Amdts. 3 and 6; paragraph (c) added by Amdt. 3 and amended by Amdt. 6; paragraph (d) added by Amdt. 3]

SEC. 39. *Table of ceiling prices based on any given "net cost" and mark-up (Table C)*—(a) *Table C: Retail ceiling prices obtained by applying any given percentage mark-up to any given net cost.*

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST

ITEMS WITH A "NET COST" OF FROM ½¢ TO 10¢ PER UNIT

Net cost (per unit)	½¢	1¢	1½¢	2¢	2½¢	3¢	3½¢	4¢	4½¢	5¢	5½¢	6¢	6½¢	7¢	7½¢	8¢	8½¢	9¢	9½¢	10¢
Mark-up (percent)	*Cents*	*Cents*	*Cents*	*Cent*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
7	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
8	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
9	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
10	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	11
11	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
12	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
13	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	11
14	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	12
15	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	10	11	12
16	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	11	11	12
17	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	11	11	12
18	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
19	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
20	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
21	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	12	12
22	1	2	2	3	3	4	4	5	5	6	7	7	8	9	9	10	10	11	12	12
23	1	2	2	3	3	4	4	5	6	6	7	7	8	9	9	10	11	11	12	12
24	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13
25	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13
26	1	2	2	3	3	4	4	5	6	6	7	8	8	9	10	10	11	11	12	13
27	1	2	2	3	3	4	4	5	6	6	7	8	8	9	10	10	11	12	12	13
28	1	2	2	3	3	4	4	5	6	6	7	8	8	9	10	10	11	12	12	13
29	1	2	2	3	3	4	5	5	6	6	7	8	8	9	10	10	11	12	12	13
30	1	2	2	3	3	4	5	5	6	7	7	8	8	9	10	10	11	12	12	13
31	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	10	11	12	12	13
32	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
33	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
34	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	14
35	1	2	2	3	3	4	5	5	6	7	7	8	9	10	10	11	12	12	13	14
36	1	2	2	3	3	4	5	5	6	7	8	8	9	10	10	11	12	12	13	14
37	1	2	2	3	3	4	5	6	6	7	8	8	9	10	10	11	12	12	13	14
38	1	2	2	3	3	4	5	6	6	7	8	8	9	10	10	11	12	13	13	14
39	1	2	2	3	3	4	5	6	6	7	8	8	9	10	10	11	12	13	13	14
40	1	2	2	3	4	4	5	6	6	7	8	8	9	10	11	11	12	13	13	14
41	1	2	2	3	4	4	5	6	6	7	8	8	9	10	11	11	12	13	13	14
42	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	11	12	13	13	14
43	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	12	12	13	14	14
44	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	12	12	13	14	15
45	1	2	2	3	4	4	5	6	7	7	8	9	9	10	11	12	12	13	14	15
46	1	2	2	3	4	4	5	6	7	7	8	9	9	10	11	12	12	13	14	15
47	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	12	13	14	15
48	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
49	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
50	1	2	2	3	4	5	5	6	7	8	8	9	10	11	11	12	13	14	14	15

ITEMS WITH A "NET COST" OF FROM 10½¢ TO 18¢ PER UNIT

Net cost (per unit)	10½¢	11¢	11½¢	12¢	12½¢	13¢	13½¢	14¢	14½¢	15¢	15½¢	16¢	16½¢	17¢	17½¢	18¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	11	12	12	13	13	14	14	15	15	16	16	17	17	18	19	19
7	11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19
8	11	12	12	13	14	14	15	15	16	16	17	17	18	18	19	20
9	11	12	13	13	14	14	15	15	16	16	17	17	18	19	19	20
10	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20
11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19	20
12	12	12	13	13	14	15	15	16	16	17	17	18	18	19	20	20
13	12	12	13	14	14	15	15	16	16	17	18	18	19	19	20	21
14	12	13	13	14	14	15	15	16	17	17	18	18	19	20	20	21
15	12	13	13	14	14	15	16	16	17	17	18	18	19	20	20	21
16	12	13	13	14	15	15	16	16	17	17	18	19	19	20	20	21
17	12	13	13	14	15	15	16	16	17	18	18	19	19	20	21	21
18	12	13	14	14	15	15	16	17	17	18	18	19	19	20	21	21
19	12	13	14	14	15	15	16	17	17	18	18	19	20	20	21	21
20	13	13	14	14	15	16	16	17	17	18	19	19	20	20	21	22
21	13	13	14	15	15	16	16	17	18	18	19	19	20	21	21	22
22	13	13	14	15	15	16	16	17	18	18	19	20	20	21	21	22
23	13	14	14	15	15	16	17	17	18	18	19	20	20	21	22	22
24	13	14	14	15	16	16	17	17	18	19	19	20	20	21	22	23
25	13	14	14	15	16	16	17	18	18	19	19	20	21	21	22	23
26	13	14	14	15	16	16	17	18	18	19	20	20	21	21	22	23
27	13	14	15	15	16	17	17	18	18	19	20	20	21	22	22	23
28	13	14	15	15	16	17	17	18	19	19	20	20	21	22	22	23
29	14	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23
30	14	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24
31	14	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24
32	14	15	15	16	17	17	18	18	19	20	20	21	21	22	23	24
33	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23	24
34	14	15	15	16	17	17	18	19	19	20	21	21	22	23	24	24
35	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	24
36	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	25
37	14	15	16	16	17	18	18	19	20	21	21	22	23	23	24	25
38	14	15	16	17	17	18	19	19	20	21	21	22	23	23	24	25
39	15	15	16	17	17	18	19	19	20	21	22	22	23	24	24	25
40	15	15	16	17	18	18	19	20	20	21	22	22	23	24	25	25
41	15	16	16	17	18	18	19	20	20	21	22	23	23	24	25	26
42	15	16	16	17	18	18	19	20	21	21	22	23	23	24	25	26
43	15	16	16	17	18	19	19	20	21	21	22	23	24	24	25	26
44	15	16	17	17	18	19	19	20	21	22	22	23	24	25	25	26
45	15	16	17	17	18	19	20	20	21	22	22	23	24	25	26	26
46	15	16	17	18	18	19	20	20	21	22	23	23	24	25	26	26
47	15	16	17	18	18	19	20	21	21	22	23	24	24	25	26	27
48	16	16	17	18	19	19	20	21	21	22	23	24	24	25	26	27
49	16	16	17	18	19	19	20	21	22	22	23	24	25	25	26	27
50	16	17	17	18	19	20	20	21	22	23	23	24	25	26	26	

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 18½¢ TO 26¢ PER UNIT

Net cost (per unit)	18½¢	19¢	19½¢	20¢	20½¢	21¢	21½¢	22¢	22½¢	23¢	23½¢	24¢	24½¢	25¢	25½¢	26¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28
7	20	20	21	21	22	22	23	24	24	25	25	26	26	27	27	28
8	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28	28
9	20	21	21	22	22	23	23	24	25	25	26	26	27	27	28	28
10	20	21	21	22	23	23	24	24	25	25	26	26	27	28	28	29
11	21	21	22	22	23	23	24	24	25	26	26	27	27	28	28	29
12	21	21	22	22	23	24	24	25	25	26	26	27	27	28	29	29
13	21	21	22	23	23	24	24	25	25	26	27	27	28	28	29	29
14	21	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30
15	21	22	22	23	24	24	25	25	26	26	27	28	28	29	29	30
16	21	22	23	23	24	24	25	26	26	27	27	28	28	29	30	30
17	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30	30
18	22	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31
19	22	23	23	24	24	25	26	26	27	27	28	29	29	30	30	31
20	22	23	23	24	25	25	26	26	27	28	28	29	29	30	31	31
21	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31	31
22	23	23	24	24	25	26	26	27	27	28	29	29	30	31	31	32
23	23	23	24	25	25	26	26	27	28	28	29	30	30	31	31	32
24	23	24	24	25	25	26	27	27	28	29	29	30	30	31	32	32
25	23	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33
26	23	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33
27	23	24	25	25	26	27	27	28	29	29	30	30	31	32	32	33
28	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33	33
29	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33	34
30	24	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34
31	24	25	26	26	27	28	28	29	29	30	31	31	32	33	33	34
32	24	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34
33	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35
34	25	25	26	27	27	28	29	29	30	31	31	32	33	34	34	35
35	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34	35
36	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35	35
37	25	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36
38	26	26	27	28	28	29	30	30	31	32	32	33	33	34	35	36
39	26	26	27	28	28	29	30	31	31	32	33	33	34	35	35	36
40	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36	36
41	26	27	27	28	29	30	30	31	32	32	33	34	35	35	36	37
42	26	27	28	28	29	30	31	31	32	33	33	34	35	36	36	37
43	26	27	28	29	29	30	31	31	32	33	34	34	35	36	36	37
44	27	27	28	29	30	30	31	32	32	33	34	35	35	36	37	37
45	27	28	28	29	30	30	31	32	33	33	34	35	36	36	37	38
46	27	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38
47	27	28	29	29	30	31	32	32	33	34	35	35	36	37	37	38
48	27	28	29	30	30	31	32	33	33	34	35	36	36	37	38	38
49	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38	39
50	28	29	29	30	31	32	32	33	34	35	35	36	37	38	38	39

ITEMS WITH A "NET COST" OF FROM 26½¢ TO 34¢ PER UNIT

Net cost (per unit)	26½¢	27¢	27½¢	28¢	28½¢	29¢	29½¢	30¢	30½¢	31¢	31½¢	32¢	32½¢	33¢	33½¢	34¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	28	29	29	30	30	31	31	32	32	33	33	34	34	35	36	36
7	28	29	29	30	30	31	32	32	33	33	34	34	35	35	36	36
8	29	29	30	30	31	31	32	32	33	33	34	35	35	36	36	37
9	29	29	30	31	31	32	32	33	33	34	34	35	35	36	37	37
10	29	30	30	31	31	32	32	33	34	34	35	35	36	36	37	37
11	29	30	31	31	32	32	33	33	34	34	35	36	36	37	37	38
12	30	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38
13	30	31	31	32	32	33	33	34	34	35	36	36	37	37	38	38
14	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38	39
15	30	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39
16	31	31	32	32	33	34	34	35	35	36	37	37	38	38	39	39
17	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40
18	31	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40
19	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40	40
20	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41
21	32	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41
22	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41	41
23	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42
24	33	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42
25	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42	43
26	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42	43
27	34	34	35	36	36	37	37	38	39	39	40	41	41	42	43	43
28	34	35	35	36	36	37	38	38	39	40	40	41	42	42	43	44
29	34	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44
30	34	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44
31	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45
32	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45
34	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45	45
35	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45	46
36	36	36	37	38	38	39	40	41	41	42	43	43	44	45	45	46
37	36	37	37	38	39	39	40	41	41	42	43	44	44	45	46	46
38	36	37	38	38	39	40	40	41	42	42	43	44	45	45	46	47
39	37	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47
40	37	38	38	39	40	40	41	42	42	43	44	44	45	46	47	47
41	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47	48
42	37	38	39	39	40	41	42	42	43	44	44	45	46	47	47	48
43	38	38	39	40	40	41	42	43	43	44	45	45	46	47	48	48
44	38	39	39	40	41	41	42	43	44	44	45	46	46	47	48	49
45	38	39	40	40	41	42	42	43	44	45	45	46	47	48	48	49
46	38	39	40	41	41	42	43	44	44	45	46	46	47	48	49	49
47	39	39	40	41	42	42	43	44	45	45	46	47	47	48	49	50
48	39	40	40	41	42	43	43	44	45	46	46	47	48	49	49	50
49	39	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50
50	40	41	41	42	42	43	44	45	45	46	47	47	48	49	50	50	51	51

[Above portion of Table C amended by Amdt. 6]

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 34½¢ TO 42¢ PER UNIT

Net cost (per unit)	34½¢	35¢	35½¢	36¢	36½¢	37¢	37½¢	38¢	38½¢	39¢	39½¢	40¢	40½¢	41¢	41½¢	42¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	37	37	38	38	39	39	40	40	41	41	42	42	43	43	44	45
7	37	37	38	39	39	40	40	41	41	42	42	43	43	44	44	45
8	37	38	38	39	39	40	41	41	42	42	43	43	44	44	45	45
9	38	38	39	39	40	40	41	41	42	43	43	44	44	45	45	46
10	38	39	39	40	40	41	41	42	42	43	43	44	45	45	46	46
11	38	39	39	40	41	41	42	42	43	43	44	44	45	46	46	47
12	39	39	40	40	41	41	42	43	43	44	44	45	45	46	46	47
13	39	40	40	41	41	42	42	43	44	44	45	45	46	46	47	47
14	39	40	40	41	42	42	43	43	44	44	45	46	46	47	47	48
15	40	40	41	41	42	43	43	44	44	45	45	46	47	47	48	48
16	40	41	41	42	42	43	44	44	45	45	46	46	47	48	48	49
17	40	41	42	42	43	43	44	44	45	46	46	47	47	48	49	49
18	41	41	42	42	43	44	44	45	45	46	47	47	48	48	49	50
19	41	42	42	43	43	44	45	45	46	46	47	48	48	49	49	50
20	41	42	43	43	44	44	45	46	46	47	47	48	49	49	50	50
21	42	42	43	44	44	45	45	46	47	47	48	48	49	50	50	51
22	42	43	43	44	45	45	46	46	47	48	48	49	49	50	51	51
23	42	43	44	44	45	46	46	47	47	48	49	49	50	50	51	52
24	43	43	44	45	45	46	47	47	48	48	49	50	50	51	51	52
25	43	44	44	45	46	46	47	48	48	49	49	50	51	51	52	53
26	43	44	45	45	46	47	47	48	49	49	50	50	51	52	52	53
27	44	44	45	46	46	47	48	48	49	50	50	51	51	52	53	53
28	44	45	45	46	47	47	48	49	49	50	51	51	52	52	53	54
29	45	45	46	46	47	48	48	49	50	50	51	52	52	53	54	54
30	45	46	46	47	47	48	49	49	50	51	51	52	53	53	54	55
31	45	46	47	47	48	48	49	50	50	51	52	52	53	54	54	55
32	46	46	47	48	48	49	50	50	51	51	52	53	53	54	55	55
33	46	47	47	48	49	49	50	51	51	52	53	53	54	55	55	56
34	46	47	48	48	49	50	50	51	52	52	53	54	54	55	56	56
35	47	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57
36	47	48	48	49	50	50	51	52	52	53	54	54	55	56	56	57
37	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57	58
38	48	48	49	50	50	51	52	52	53	54	55	55	56	57	57	58
39	48	49	49	50	51	51	52	53	54	54	55	56	56	57	58	58
40	48	49	50	50	51	52	53	53	54	55	55	56	57	57	58	59
41	49	49	50	51	51	52	53	54	54	55	56	56	57	58	59	59
42	49	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60
43	49	50	51	51	52	53	54	54	55	56	56	57	58	59	59	60
44	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60	60
45	50	51	51	52	53	54	54	55	56	57	57	58	59	59	60	61
46	50	51	52	53	53	54	55	55	56	57	58	58	59	60	61	61
47	51	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62
48	51	52	53	53	54	55	56	56	57	58	58	59	60	61	61	62
49	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62	63
50	52	53	53	54	55	56	56	57	58	59	59	60	61	62	62	63

ITEMS WITH A "NET COST" OF FROM 42½¢ TO 50¢ PER UNIT

Net cost (per unit)	42½¢	43¢	43½¢	44¢	44½¢	45¢	45½¢	46¢	46½¢	47¢	47½¢	48¢	48½¢	49¢	49½¢	50¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	45	46	46	47	47	48	48	49	49	50	50	51	51	52	52	53
7	45	46	47	47	48	48	49	49	50	50	51	51	52	52	53	54
8	46	46	47	48	48	49	49	50	50	51	51	52	52	53	53	54
9	46	47	47	48	49	49	50	50	51	51	52	52	53	53	54	55
10	47	47	48	48	49	50	50	51	51	52	52	53	53	54	54	55
11	47	48	48	49	49	50	51	51	52	52	53	53	54	54	55	56
12	48	48	49	49	50	50	51	52	52	53	53	54	54	55	55	56
13	48	49	49	50	50	51	51	52	53	53	54	54	55	55	56	57
14	48	49	50	50	51	51	52	52	53	54	54	55	55	56	56	57
15	49	49	50	51	51	52	52	53	53	54	55	55	56	56	57	58
16	49	50	50	51	52	52	53	53	54	55	55	56	56	57	57	58
17	50	50	51	51	52	53	53	54	54	55	56	56	57	57	58	59
18	50	51	51	52	53	53	54	54	55	55	56	57	57	58	58	59
19	51	51	52	52	53	54	54	55	55	56	57	57	58	58	59	60
20	51	52	52	53	53	54	55	55	56	56	57	58	58	59	59	60
21	51	52	53	53	54	54	55	56	56	57	57	58	59	59	60	61
22	52	52	53	54	54	55	56	56	57	57	58	59	59	60	60	61
23	52	53	54	54	55	55	56	57	57	58	58	59	60	60	61	62
24	53	53	54	55	55	56	56	57	58	58	59	60	60	61	61	62
25	53	54	54	55	56	56	57	58	58	59	59	60	61	61	62	63
26	54	54	55	55	56	57	57	58	59	59	60	60	61	62	62	63
27	54	55	55	56	57	57	58	58	59	60	60	61	62	62	63	64
28	54	55	56	56	57	58	58	59	60	60	61	61	62	63	63	64
29	55	55	56	57	57	58	59	59	60	61	61	62	63	63	64	65
30	55	56	57	57	58	59	59	60	60	61	62	62	63	64	64	65
31	56	56	57	58	58	59	60	60	61	62	62	63	64	64	65	66
32	56	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66
33	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67
34	57	58	58	59	60	60	61	62	62	63	64	64	65	66	66	67
35	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67	68
36	58	58	59	60	61	61	62	63	63	64	65	65	66	67	67	68
37	58	59	60	60	61	62	62	63	64	64	65	66	66	67	68	69
38	59	59	60	61	61	62	63	63	64	65	66	66	67	68	68	69
39	59	60	60	61	62	63	63	64	65	65	66	67	67	68	69	70
40	60	60	61	62	62	63	64	64	65	66	67	67	68	69	69	70
41	60	61	61	62	63	63	64	65	66	66	67	68	68	69	70	71
42	60	61	62	62	63	64	65	65	66	67	67	68	69	70	70	71
43	61	61	62	63	64	64	65	66	66	67	68	69	69	70	71	72
44	61	62	63	63	64	65	66	66	67	68	68	69	70	71	71	72
45	62	62	63	64	65	65	66	67	67	68	69	70	70	71	72	73
46	62	63	64	64	65	66	66	67	68	69	69	70	71	72	72	73
47	62	63	64	65	65	66	67	68	68	69	70	71	71	72	73	74
48	63	64	64	65	66	67	67	68	69	70	70	71	72	73	73	74
49	63	64	65	66	66	67	68	69	69	70	71	72	72	73	74	75
50	64	65	65	66	67	68	68	69	70	71	71	72	73	74	74	75

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 50½¢ TO 58¢

Net cost (per unit)	50½¢	51¢	51½¢	52¢	52½¢	53¢	53½¢	54¢	54½¢	55¢	55½¢	56¢	56½¢	57¢	57½¢	58¢
Mark-up (percent)	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	54	54	55	55	56	56	57	57	58	58	59	59	60	60	61	61
7	54	55	55	56	56	57	57	58	58	59	59	60	60	61	62	62
8	55	55	56	56	57	57	58	58	59	59	60	60	61	62	62	63
9	55	56	56	57	57	58	58	59	59	60	60	61	62	62	63	63
10	56	56	57	57	58	58	59	59	60	61	61	62	62	63	63	64
11	56	57	57	58	58	59	59	60	60	61	62	62	63	63	64	64
12	57	57	58	58	59	59	60	60	61	62	62	63	63	64	64	65
13	57	58	58	59	59	60	60	61	62	62	63	63	64	64	65	66
14	58	58	59	59	60	60	61	62	62	63	63	64	64	65	66	66
15	58	59	59	60	60	61	62	62	63	63	64	64	65	66	66	67
16	59	59	60	60	61	61	62	63	63	64	64	65	66	66	67	67
17	59	60	60	61	61	62	63	63	64	64	65	66	66	67	67	68
18	60	60	61	61	62	63	63	64	64	65	65	66	67	67	68	68
19	60	61	61	62	62	63	64	64	65	65	66	67	67	68	68	69
20	61	61	62	62	63	64	64	65	65	66	67	67	68	68	69	70
21	61	62	62	63	64	64	65	65	66	67	67	68	68	69	70	70
22	62	62	63	63	64	65	65	66	66	67	68	68	69	70	70	71
23	62	63	63	64	65	65	66	66	67	68	68	69	69	70	71	71
24	63	63	64	64	65	66	66	67	68	68	69	69	70	71	71	72
25	63	64	64	65	66	66	67	68	68	69	69	70	71	71	72	73
26	64	64	65	66	66	67	67	68	69	69	70	71	71	72	72	73
27	64	65	65	66	67	67	68	69	69	70	70	71	72	72	73	74
28	65	65	66	67	67	68	68	69	70	70	71	72	72	73	74	74
29	65	66	66	67	68	68	69	70	70	71	72	72	73	74	74	75
30	66	66	67	68	68	69	70	70	71	72	72	73	73	74	75	75
31	66	67	67	68	69	69	70	71	71	72	73	73	74	75	75	76
32	67	67	68	69	69	70	71	71	72	73	73	74	75	75	76	77
33	67	68	68	69	70	70	71	72	72	73	74	74	75	76	76	77
34	68	68	69	70	70	71	72	72	73	74	74	75	76	76	77	78
35	68	69	70	70	71	72	72	73	74	74	75	76	76	77	78	78
36	69	69	70	71	71	72	73	73	74	75	75	76	77	78	78	79
37	69	70	71	71	72	73	73	74	75	75	76	77	77	78	79	79
38	70	70	71	72	72	73	74	75	75	76	77	77	78	79	79	80
39	70	71	72	72	73	74	74	75	76	76	77	78	79	79	80	81
40	71	71	72	73	74	74	75	76	76	77	78	78	79	80	81	81
41	71	72	73	73	74	75	75	76	77	78	78	79	80	80	81	82
42	72	72	73	74	75	75	76	77	77	78	79	80	80	81	82	82
43	72	73	74	74	75	76	77	77	78	79	79	80	81	82	82	83
44	73	73	74	75	76	76	77	78	78	79	80	81	81	82	83	84
45	73	74	75	75	76	77	78	78	79	80	80	81	82	83	83	84
46	74	75	75	76	77	77	78	79	80	80	81	82	82	83	84	85
47	74	75	76	76	77	78	79	79	80	81	82	82	83	84	85	85
48	75	75	76	77	78	78	79	80	81	81	82	83	84	84	85	86
49	75	76	77	77	78	79	80	80	81	82	83	83	84	85	86	86
50	76	77	77	78	79	80	80	81	82	83	83	84	85	86	86	87

ITEMS WITH A "NET COST" OF FROM 58½¢ TO 66½¢

Net cost (per unit)	58½¢	59¢	59½¢	60¢	60½¢	61¢	61½¢	62¢	62½¢	63¢	63½¢	64¢	64½¢	65¢	65½¢	66¢	66½¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	62	63	63	64	64	65	65	66	66	67	67	68	68	69	69	70	70
7	63	63	64	64	65	65	66	66	67	67	68	68	69	70	70	71	71
8	63	64	64	65	65	66	66	67	68	68	69	69	70	70	71	71	72
9	64	64	65	65	66	66	67	68	68	69	69	70	70	71	71	72	72
10	64	65	65	66	67	67	68	68	69	69	70	70	71	72	72	73	73
11	65	65	66	67	67	68	68	69	69	70	70	71	72	72	73	73	74
12	66	66	67	67	68	68	69	69	70	71	71	72	72	73	73	74	74
13	66	67	67	68	68	69	69	70	71	71	72	72	73	73	74	75	75
14	67	67	68	68	69	70	70	71	71	72	72	73	74	74	75	75	76
15	67	68	68	69	70	70	71	71	72	72	73	74	74	75	75	76	76
16	68	68	69	70	70	71	71	72	73	73	74	74	75	75	76	77	77
17	68	69	70	70	71	71	72	73	73	74	74	75	75	76	77	77	78
18	69	70	70	71	71	72	73	73	74	74	75	76	76	77	77	78	78
19	70	70	71	71	72	73	73	74	74	75	76	76	77	77	78	79	79
20	70	71	71	72	73	73	74	74	75	76	76	77	77	78	79	79	80
21	71	71	72	73	73	74	74	75	76	76	77	77	78	79	79	80	80
22	71	72	73	73	74	74	75	76	76	77	77	78	79	79	80	81	81
23	72	73	73	74	74	75	76	76	77	77	78	79	79	80	81	81	82
24	73	73	74	74	75	76	76	77	78	78	79	79	80	81	81	82	82
25	73	74	74	75	76	76	77	78	78	79	79	80	81	81	82	83	83
26	74	74	75	76	76	77	77	78	79	79	80	81	81	82	83	83	84
27	74	75	76	76	77	77	78	79	79	80	81	81	82	83	83	84	84
28	75	76	76	77	77	78	79	79	80	81	81	82	83	83	84	84	85
29	75	76	77	77	78	79	79	80	81	81	82	83	83	84	84	85	86
30	76	77	77	78	79	79	80	81	81	82	83	83	84	84	85	86	86
31	77	77	78	79	79	80	81	81	82	83	83	84	84	85	86	86	87
32	77	78	79	79	80	81	81	82	83	83	84	84	85	86	86	87	88
33	78	78	79	80	80	81	82	82	83	84	84	85	86	86	87	88	88
34	78	79	80	80	81	82	82	83	84	84	85	86	86	87	88	88	89
35	79	80	80	81	82	82	83	84	84	85	86	86	87	88	88	89	90
36	80	80	81	82	82	83	84	84	85	86	86	87	88	88	89	90	90
37	80	81	82	82	83	84	84	85	86	86	87	88	88	89	90	90	91
38	81	81	82	83	83	84	85	86	86	87	88	88	89	90	90	91	92
39	81	82	83	83	84	85	85	86	87	88	88	89	90	90	91	92	92
40	82	83	83	84	85	86	86	87	88	88	89	90	90	91	92	92	93
41	82	83	84	85	85	86	87	87	88	89	90	90	91	92	92	93	94
42	83	84	84	85	86	87	87	88	89	89	90	91	92	92	93	94	94
43	84	84	85	86	87	87	88	89	89	90	91	92	92	93	94	94	95
44	84	85	86	86	87	88	89	89	90	91	91	92	93	94	94	95	96
45	85	86	86	87	88	88	89	90	91	91	92	93	94	94	95	96	96
46	85	86	87	88	88	89	90	91	91	92	93	93	94	95	96	96	97
47	86	87	87	88	89	90	90	91	92	93	93	94	95	96	96	97	98
48	87	87	88	89	90	90	91	92	93	93	94	95	95	96	97	98	98
49	87	88	89	89	90	91	92	92	93	94	95	95	96	97	98	98	99
50	88	89	89	90	91	92	92	93	94	95	95	96	97	98	98	99	100

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 67¢ TO 75¢

Net cost (per unit)	67¢	67½¢	68¢	68½¢	69¢	69½¢	70¢	70½¢	71¢	71½¢	72¢	72½¢	73¢	73½¢	74¢	74½¢	75¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	71	72	72	73	73	74	74	75	75	76	76	77	77	78	78	79	80
7	72	72	73	73	74	74	75	75	76	77	77	78	78	79	79	80	80
8	72	73	73	74	75	75	76	76	77	77	78	78	79	79	80	80	81
9	73	74	74	75	75	76	76	77	77	78	78	79	80	80	81	81	82
10	74	74	75	75	76	76	77	78	78	79	79	80	80	81	81	82	83
11	74	75	75	76	77	77	78	78	79	79	80	80	81	82	82	83	83
12	75	76	76	77	77	78	78	79	80	80	81	81	82	82	83	83	84
13	76	76	77	77	78	79	79	80	80	81	81	82	82	83	84	84	85
14	76	77	78	78	79	79	80	80	81	82	82	83	83	84	84	85	86
15	77	78	78	79	79	80	81	81	82	82	83	83	84	85	85	86	86
16	78	78	79	79	80	81	81	82	82	83	84	84	85	85	86	86	87
17	78	79	80	80	81	81	82	82	83	84	84	85	85	86	87	87	88
18	79	80	80	81	81	82	83	83	84	84	85	86	86	87	87	88	89
19	80	80	81	82	82	83	83	84	84	85	86	86	87	87	88	89	89
20	80	81	82	82	83	83	84	85	85	86	86	87	88	88	89	89	90
21	81	82	82	83	83	84	85	85	86	87	87	88	88	89	90	90	91
22	82	82	83	84	84	85	85	86	87	87	88	88	89	90	90	91	92
23	82	83	84	84	85	85	86	87	87	88	89	89	90	90	91	92	92
24	83	84	84	85	86	86	87	87	88	89	89	90	91	91	92	92	93
25	84	84	85	86	86	87	88	88	89	89	90	91	91	92	93	93	94
26	84	85	86	86	87	88	88	89	89	90	91	91	92	93	93	94	95
27	85	86	86	87	88	88	89	90	90	91	91	92	93	93	94	95	95
28	86	86	87	88	88	89	90	90	91	92	92	93	93	94	95	95	96
29	86	87	88	88	89	90	90	91	92	92	93	94	94	95	95	96	97
30	87	88	88	89	90	90	91	92	92	93	94	94	95	96	96	97	98
31	88	88	89	90	90	91	92	92	93	94	94	95	96	96	97	98	98
32	88	89	90	90	91	92	92	93	94	94	95	96	96	97	98	98	99
33	89	90	90	91	92	92	93	94	94	95	96	96	97	98	98	99	100
34	90	90	91	92	92	93	94	94	95	96	96	97	98	98	99	100	101
35	90	91	92	92	93	94	95	95	96	97	97	98	99	99	100	101	101
36	91	92	92	93	94	95	95	96	97	97	98	99	99	100	101	101	102
37	92	92	93	94	95	95	96	97	97	98	99	99	100	101	101	102	103
38	92	93	94	95	95	96	97	97	98	99	99	100	101	101	102	103	104
39	93	94	95	95	96	97	97	98	99	99	100	101	101	102	103	104	104
40	94	95	95	96	97	97	98	99	99	100	101	102	102	103	104	104	105
41	94	95	96	97	97	98	99	99	100	101	102	102	103	104	104	105	106
42	95	96	97	97	98	99	99	100	101	102	102	103	104	104	105	106	107
43	96	97	97	98	99	99	100	101	102	102	103	104	104	105	106	107	107
44	96	97	98	99	99	100	101	102	102	103	104	104	105	106	107	107	108
45	97	98	99	99	100	101	102	102	103	104	104	105	106	107	107	108	109
46	98	99	99	100	101	101	102	103	104	104	105	106	107	107	108	109	110
47	98	99	100	101	101	102	103	104	104	105	106	107	107	108	109	110	110
48	99	100	101	101	102	103	104	104	105	106	107	107	108	109	110	110	111
49	100	101	101	102	103	104	104	105	106	107	107	108	109	110	110	111	112
50	101	101	102	103	104	104	105	106	107	107	108	109	110	110	111	112	113

[Above portion of Table C amended by Amdt. 6]

(b) *Instructions for use of Table A, Table B, and Table C.* Tables A and B contain the mark-ups for all commodities in this regulation. Table C is included to assist you in determining ceiling prices without burdensome calculations.

Table A lists by commodity groups the "dry groceries" covered by this regulation and the mark-ups to be used by Group 3 and Group 4 retailers in figuring their ceiling prices. Table B gives the same information for "perishables." However, in addition, Table B also lists the selling units, on the basis of which retailers must figure their net costs and ceiling prices for "perishables." For a detailed list of the items in each commodity group, see "Commodity definitions of dry groceries" printed immediately after Table A, and "Commodity definitions of perishables" printed immediately after Table B. After you have determined your "net cost" for an item in accordance with the method set up in this regulation, find your proper mark-up in the commodity group which includes the item you are pricing. Commodity groups are listed at the left of Table A and Table B. Directly opposite each commodity group you will find a percentage mark-up for your group of retailers.

If a percentage mark-up is shown, you get your ceiling price for the item by turning to Table C, which shows the ceiling price for all items with per unit net costs ranging from ½¢ to 75¢. Percentage mark-ups over net cost are listed in the column at the extreme left of Table C, and "net cost" across the top of the table. "Net cost per unit" means, in the case of dry groceries, the "net cost" of a single unit (one can, one jar, etc.). For perishables, it means the "net cost" of the selling unit listed in the list column of Table B.

To determine your ceiling price from Table C, find your net cost at the top of the table. Go down that column until you come to the figure (in that column) on the same line as your mark-up. The figure at that point is your ceiling price for the item.

If your net cost per unit is more than 75 cents, you cannot use Table C to get your ceiling price. In those cases, you must (1) multiply your net cost by your percentage mark-up, (2) add the result to your net cost, and (3) round the sum to the nearest whole cent. For perishables, your net cost must be in terms of the selling unit specified in Table B.

Example (1). A Group 3 retailer wishes to figure a new ceiling price for "xx" Brand, 11 ounces canned tomato soup, which he must put into effect by May 14, 1951, in accordance with section 3. His most recent purchase of a customary quantity of this item from a customary type of supplier delivered to his usual receiving point was a carload purchased from a packer and delivered at a cost of $4.40 a case (48) on December 22, 1950. He must first figure to the nearest half-cent, his "net cost" on a single unit basis (sec. 4, (a) (2)), that is, for a single can. He therefore divides the cost for the case, $4.40, by the number of single units in the case, 48, and gets a result of $0.0916 before rounding. Rounding to the nearest half-cent, this becomes $0.09. (If the figure had been $0.0925 before rounding, he would have rounded to $0.095.) He then turns to Table A to find the mark-up to be applied to his net cost. Going down the column at the left of Table A he will find a listing of the commodity group which includes the item he is pricing. For canned tomato soup this group is "Soup (canned)." Going across the page on that line, he will find his mark-up for the item in the column for Group 3 retailers. In this case, his mark-up is 19 percent. Having his mark-up and net cost, Table C will give him his ceiling price without further computations. Checking across the top of Table C, he will find a column headed by his net cost $0.09. Going down this $0.09 column until he comes to the figure on the same line as his percentage mark-up of 19 percent listed in the column at the extreme left of Table C he will find his ceiling price for the item to be 11 cents per can.

[Example (1) amended by Amdt. 1]

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,

Director of Price Stabilization.

By: JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 51-12267; Filed, Oct. 9, 1951; 4:06 p. m.]

[Ceiling Price Regulation 22, Amdt. 29]

CPR 22—Manufacturers' General Ceiling Price Regulation

Yarns and Fabrics Used by Converters, Finishers, Dyers and Throwsters Added to Appendix B

Correction

In F. R. Doc. 51-12163, appearing at page 10206 of the issue for Saturday October 6, 1951, under "Amendatory Provisions," the reference in the second paragraph to "Appendix 5" should read "Appendix B".

[Ceiling Price Regulation 16, Collation 1, Including Amdts. 1-6]

CPR 16—Ceiling Prices of Certain Foods Sold at Retail in Group 1 and Group 2 Stores

Ceiling Price Regulation 16 is republished to incorporate the text of Amendments 1 through 6, inclusive. Ceiling Price Regulation 16 was issued March 28, 1951 (16 F. R. 2750). Statements of Consideration for Ceiling Price Regulation 16, and for Amendments 1-6, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation and the amendments are shown in a note preceding the first section of the regulation.

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Article I—General Provisions

Section 1. *What this regulation does.* This regulation fixes new ceiling prices for the "dry groceries" listed in Table A and the "perishables" listed in Table B for all "independent" retail stores doing an annual business of under $375,000. These new ceiling prices are to be used instead of the ceiling prices figured under any other price regulation issued by the Office of Price Stabilization (hereinafter called OPS, and regardless of any contract or any other law. All other retail stores (Group 3 and Group 4 stores) selling these food products are covered by Ceiling Price Regulation No. 15.

Sec. 2. *How you find out whether your store is covered by this regulation and what group it is in*—(a) *What stores are covered.* Your store is covered by this regulation if it is a Group 1 or 2 store as defined below and if you are a retailer who buys and resells food products, generally without materially changing their form, for the most part to ultimate consumers who are not commercial, industrial or institutional users. For the purposes of this regulation, "Great Lakes marine suppliers" shall be considered as retailers. The provisions of this regulation do not apply to "retail route sellers", to sales of "specially prepared dietetic foods" by "health food stores" or "health food departments", or to automatic vending machines or farmers selling produce grown on their own farms.

[Paragraph (a) amended by Amdt. 2]

(b) *What are Groups 1 and 2 stores.* For the purpose of this regulation, Groups 1 and 2 stores are defined as follows:

(1) *Group 1.* Your store is in Group 1 if it is an "independent" store with "annual gross sales" of less than $75,000. Your store is an "independent" store if it is not one of four or more stores under one ownership whose combined "annual gross sales" are $750,000 or more.

(2) *Group 2.* Your store is in Group 2 if it is an "independent" store with "annual gross sales" of $75,000 or more, but less than $375,000.

(If you are not sure what group your store is in, use the directions in section 26 for figuring the "annual gross sales," of your store. See section 30 for definitions of Group 3 and Group 4 retailers.

(c) *How to display a sign of the group your store is in.* At all times, you must have the group your store is in under this regulation displayed on a sign reading "OPS-1" or "OPS-2," whichever it is, or on a sign which the OPS may furnish to you. The sign must be displayed so that it can be clearly seen by your customers.

(d) *When you choose to treat your store as a Group 2, 3 or 4 store.* You may choose to treat your store as either a Group 2 store under this regulation or a Group 3 or Group 4 store under Ceiling Price Regulation No. 15 and display a sign in your store as a member of such other group if you:

(1) Figure your ceiling prices for all the items listed in Tables A and B of this regulation as a member of the group you choose: and

(2) Notify the OPS district office for your area of these facts.

[Paragraph (d) amended by Amdt. 6]

(e) *When you must notify OPS of the group in which your store falls.* Within 30 days after the issuance of this regulation, you must notify the OPS district office for your area of the group of your store, using OPS Public Form No. 5 which you may obtain from the OPS district office for your area. If you open a new retail store after May 14, 1951, you must notify, within 15 days, the OPS district office for your area of the group of the store, using OPS Public Form No. 5 which you may obtain from the OPS district office for your area.

[Paragraph (e) amended by Amdt. 1]

Sec. 3. *How and when you figure your ceiling prices for "dry groceries"*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, grade, variety, container-type and container-size) of "dry groceries" listed in Table A shall be the total of (1) the "net cost" you had to pay for the most recent delivery of the item to you before May 14, 1951, plus (2) the mark-up given you for it in Table A.

[Paragraph (a) amended by Amdt. 1]

(b) *When you must figure your ceiling prices.* By the opening of business on May 14, 1951, you must have figured your ceiling price for each item of "dry groceries" listed in Table A which you have in stock at that time. Between April 5, 1951, and May 14, 1951, you may put into effect the new ceiling price on any item as soon as you figure it; you must put the new ceiling prices into

effect on all items not later than May 14, 1951. If you do not put the new price for an item into effect before May 14, 1951, you must continue to use your existing ceiling for that item until May 14, 1951. If you receive delivery of any item between April 5, 1951, and May 14, 1951, for which you have no ceiling price, you must, before selling it, figure your ceiling price according to the rules of this regulation.

[Paragraph (b) amended by Amdt. 1]

(c) *Special rule for certain items of the 1950 pack.* If, in the case of any item of the 1950 pack of food commodity groups 8, 10, 11, 12, 13, 32 and 33 in Table A, your last purchase of the particular item was made prior to January 26, 1951, you may continue to use your legal ceiling price for such item under the General Ceiling Price Regulation until you receive delivery of a purchase made after that date. When you receive delivery of such a purchase, you must figure your ceiling price for the item in accordance with the provisions of this regulation.

(d) *Pricing special promotions.* Where you have a "special promotion" consisting of two or more items bound together for joint sale or bearing appropriate printing or labeling referring to the joint sale, you shall compute your ceiling price for the joint sale as follows:

(1) Determine which item or items are the regular portion of the "special promotion" and which item or items are the "special" portion.

(2) For the regular item or items compute your ceiling prices according to this regulation, disregarding entirely the special item or items.

(3) For the special item or items you may charge up to 50 percent of your existing ceiling price for those items.

(4) If you have no existing ceiling price for the special item or items you may use as your markup a maximum of 3 cents per item.

(5) Your ceiling price for the joint sale is the sum of the ceiling price for the regular item plus the price determined under subparagraphs (3) or (4) of this paragraph for the special items. You may not price any special promotion on the same items under this paragraph for a period of more than 120 days. Also you may not price under this paragraph another special promotion on the same items until six months after the conclusion of the previous such offering.

[Paragraph (d) added by Amdt. 6]

SEC. 4. *Directions for applying the rule for "dry groceries"*—(a) *"Net cost."* To figure your ceiling price, first find the "net cost" of the item based on its most recent delivery to you before May 14, 1951. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment plus all transportation charges you paid except local trucking and local unloading. This exception shall not apply to any shipments by water. In such cases, there may be added also as part of the cost of transportation the cost of moving the shipment from the place at which it was processed to the dock, the cost of unloading at that dock, wharfage, handling, tollage and usage charges, the cost of marine insurance, the cost of loading the goods on a car, truck or other conveyance at the port of discharge and the cost of transporting that shipment from the port of discharge to receiving point. However, costs of loading the shipment at the place at which it was processed, segregation charges and costs of unloading at receiving point may not be added. Treat as a separate item each kind, brand, grade, variety, container-size and container-type of "dry groceries."

[Paragraph (a) amended by Amdts. 1 and 4]

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your "usual receiving point" by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on a single unit basis (that is, per can, per pound, per package, per jar, etc.), to the nearest half cent. (Fractions of exactly one-quarter cent are rounded up to one-half cent and fractions of exactly three-quarters of a cent are rounded up to the next cent.) Your invoice cost may be the cost of a carton, case or barrel, for instance, and not the cost of the package, can or other unit you sell. You must get the net cost of the single unit you sell by dividing the cost of the carton, case or barrel by the number of units in the carton, case or barrel.

(3) If you are figuring your ceiling price for an item on the basis of a purchase made from a "service fee wholesaler", your "net cost" may not exceed his ceiling price for the item figured on a single unit basis plus transportation charges you paid, if any, as defined in this section. You will be notified by the "service fee wholesaler" of his ceiling price either on his invoice or order form or other written document.

[Subparagraph (3) added by Amdt. 2]

(b) *Markup.* Turn to Table A to find the markup for the item given your group of store. Table A lists all the "dry groceries" covered by this regulation by commodity groups.

(c) *Ceiling price.* Next turn to Table C. Using the directions given there, you will get your ceiling price for the item. You must not change this ceiling price except in accordance with section 6.

(d) *Invoices.* You must write your "net cost" per unit of the purchase on which you have figured your ceiling price either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attached to that invoice or other record. You must keep separate or mark or tag plainly, all invoices or records showing the net cost per unit which you used in figuring your ceiling prices. These invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

SEC. 5. *How you figure your ceiling prices for "new items" of "dry groceries".* A "new item" of "dry groceries" is any item of "dry groceries" which you did not have in stock at the opening of business on May 14, 1951. You must figure the ceiling price for a new item before selling it, following the rules in section 4, but basing your "net cost" on the first delivery of the item to you on or after May 14, 1951.

In pricing new items it is a violation to use the net cost of a first purchase made in a non-customary manner (that is, from a non-customary supplier or in a non-customary quantity) when you know that you will be making future purchases in a customary manner. If your first purchase is of this type you must find out and use in figuring your ceiling price, what the net cost would be of a purchase from a type of supplier usually used for a similar item and of a quantity in which a similar item is usually purchased.

[Sec. 5 amended by Amdt. 1]

SEC. 6. *How you figure your ceiling prices each week, starting Monday, May 14, 1951.* Before making any sale of an item of "dry groceries" on each Monday after May 14, 1951 (or on Tuesday if Monday is a holiday and your store is closed) you must refigure your ceiling price for any item if your "net cost" of that item is different from the "net cost" on which your existing ceiling price is based. You must follow the rules in section 4 basing your "net cost," however, on the largest single delivery of a customary quantity received by you from your customary type of supplier during the seven days preceding Monday. If you cannot determine your "largest single delivery" because you have received more than one delivery of the same quantity, use the most recent of these deliveries.

[Sec. 6 amended by Amdt. 1]

SEC. 7. *Dry groceries which you import.* This regulation shall not apply to you for sales of any dry grocery item purchased by you directly from a foreign seller or his agent for importation into the continental United States. Your ceiling price for such items shall be determined by you in accordance with General Ceiling Price Regulation or any other applicable ceiling price regulation covering the sale of the item by importers.

PERISHABLES

SEC. 8. *How and when you figure your ceiling prices for "perishables"*—(a) *General rule.* Your ceiling price for each item (that is for each kind, brand, variety, and grade) of "perishables" listed in Table B shall be the total of (1) the "net cost" of the largest delivery of the item to you during the seven days preceding Monday of each week plus (2) the markup given you for it in Table B.

(b) *When you must figure your ceiling prices.* By the opening of business on May 14, 1951, you must have figured your ceiling price for each item of "perishables" listed in Table B which you have in stock at that time. These ceiling prices must be checked each week after May 14, 1951, and changed on Monday of each week for any item if your "net cost" of that item has changed in the preceding 7 days. Never change your ceiling price on any day but Monday.

For items which you receive for the first time or which you have not had in

stock for 7 days, you must figure and use a ceiling price at once using the net cost of that first delivery. On each Monday after that, you must treat the item as you would any other item of perishables covered under this regulation.

[Paragraph (b) amended by Amdt. 1]

SEC. 9. *Directions for applying the rule for "perishables"*—(a) *Net cost.* To figure your ceiling price, first find the "net cost" of the largest delivery to you of the item during the 7-day period before the Monday for which you are figuring your price. If you have received more than one delivery of the same largest quantity, use the most recent of these deliveries. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment, plus all transportation charges you paid, which may include costs for icing, refrigeration, and ventilation, but which may not include costs for local trucking and local unloading.

(1) Your net cost must be based on purchases from a customary type of supplier delivered to your usual receiving point by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on the basis of the "selling unit" (for example, 1 pound), listed in Table B for the commodity group which includes the item you are pricing. Always figure net cost to the nearest half cent. (Fractions of exactly one-quarter cent are rounded up to one-half cent and fractions of exactly three-quarters of a cent are rounded up to the next cent.)

(3) If you have an item in stock at the opening of business on May 14, 1951 but you did not receive delivery of the item during the week before, you shall, in figuring your first ceiling price for the item on May 14, 1951, base your net cost on its most recent delivery to you.

[Subparagraph (3) amended by Amdt. 1]

(b) *Markup.* Turn to Table B to find the markup for the item given for your group of store. Table B lists all the "perishables" covered by this regulation by commodity groups.

(c) *Ceiling price.* Next turn to Table C. Using the directions given there, you will get your ceiling price for the item.

(1) *Sales in other quantities.* You may sell an item in a quantity other than the "selling unit" given in Table B. If you sell an item in a quantity other than the "selling unit" given in Table B, you must reduce or increase your ceiling price proportionately. If figuring a price for a quantity different from the "selling unit" results in a fraction of a cent, you may charge the next higher cent.

SEC. 10. *Price which you must display.* At all times, you must have your current selling price for each item of food covered by this regulation clearly shown on the item or at or near the place in your store where the item is offered for sale. Of course, this displayed price must never exceed your ceiling price.

SEC. 11. *Indirect price increases prohibited.* You must not evade any of the provisions of this regulation or any order issued pursuant to it by any scheme, or device. You must not, as a condition of selling any particular food, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You may not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost as used in section 4 or 9 would be and use that net cost to figure your ceiling price. You may never use the net cost of a purchase from another retailer to figure a ceiling price if it results in a net cost higher than you would have if you purchased the item from your regular supplier or any other source normally available to you.

SEC. 12. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt or similar evidence of purchase, you must continue to do so. Furthermore, regardless of your custom, you must give any customer who asks for it a receipt showing the date, your name and address, and quantity and name of each food item sold, and the price you charged for it.

SEC. 13. *Records.* After April 5, 1951, you must keep for one year after you receive them all your invoices, freight bills, and other records showing the price you paid and the date you received delivery of each item covered by this regulation.

You are required to show all your invoices on request of any OPS representative and to furnish on request of any OPS representative a written record of your ceiling price in effect at any particular time or times for any or all of the items covered by this regulation. You must also keep available for inspection by an OPS representative the records you used in deciding what group your store is in.

SEC. 14. *Prohibitions.* On and after May 14, 1951, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provisions of this regulation or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950. Also, any person, who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that Act.

[Sec. 14 amended by Amdts. 1 and 2]

SEC. 15. *Notice of dollars-and-cents ceiling prices.* From time to time the OPS may, by order, fix in your area or community, dollars-and-cents ceiling prices for some or all of the "dry groceries" or "perishables" under this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices, and those orders may provide that such prices take the place of the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation, you must continue to figure your prices under this regulation.

SEC. 16. *Further provisions supplementing or explaining this regulation.* From time to time, the Price Director may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

(a) Whenever an amendment adds any food product to the list of items covered in Table A, you must figure your ceiling price for that food product in accordance with sections 3, 4 and 5. However, in doing so, you shall substitute the effective date of such amendment for the date May 14, 1951, whenever it appears in sections 3, 4 and 5.

[Paragraph (a) amended by Amdt. 1]

(b) Whenever an amendment changes either a commodity definition in Table A by transferring a food product from one commodity group to another or the markup for your group of retailers, you must by the opening of business on the effective date of such amendment refigure your ceiling prices for the items affected by such amendment. However in doing so, you must use as your "net cost" the same "net cost" you used in figuring the ceiling prices you had on the effective date of the amendment.

ARTICLE II—SPECIAL PRICING PROVISIONS

SEC. 17. *Addition allowed for deliveries made by you to your customers.* (a) If you deliver to your customers' homes or places of business any of the items covered by this regulation, you may add to the total value of the delivery, as a separate charge, 25 cents for such delivery, if the total value thereof is $3 or more.

SEC. 18. *Additions for packaging.* (a) If you buy in bulk any item covered by this regulation (except spices, tea and gelatin) and then package and sell it in cardboard containers, cotton bags, transparent bags, interlined coffee bags, or Kraft bags or similar type bags, on which the name, weight and ingredients of the commodity are stamped or printed and which are packed and sealed at a place and time other than the point and time of sale, you may add to your "net cost" whichever of the following allowances applies:

(1) 2 cents for every such bag or container with a net weight of less than 2 pounds.

(2) 2½ cents for every such bag or container with a net weight of 2 pounds or more, but less than 5 pounds.

(3) 1 cent per pound for every such bag or container with a net weight of 5 pounds or more but not to exceed a total of 5 cents.

[Paragraph (a) amended by Amdt. 2]

SEC. 19. *Gift and holiday packages assembled by you.* If you assemble, into gift or holiday packages, any food items covered by this regulation, with or without any items not covered by this regulation, you must figure your ceiling price for such package under whichever of the following paragraphs applies:

(a) For packages assembled in cardboard, wooden, or other plain containers (for example, "overseas" or "servicemen's" packages), your ceiling price will be the sum of the following, multiplied by 1.05:

(1) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable ceiling price regulation. If you have no ceiling price for any item (or article), use your current selling price for that item.

(2) Your direct cost of the packaging materials used for the particular package, including the container.

(b) For packages assembled in permanent containers designed and constructed for re-use (including but not limited to trays, cedar boxes, hampers, teakwood chests, fancy baskets), your ceiling price will be the sum of the following, multiplied by 1.15:

(1) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable ceiling price regulation. If you have no ceiling price for any item (or article), use your current selling price for that item.

(2) Your ceiling price for the container figured under the applicable ceiling price regulation. If you have no ceiling price for the container, use your direct cost for the container.

(3) Your direct cost of the packaging materials used for the particular package.

SEC. 20. *Special allowance for forwarding gift package to a donee in a foreign country.* If you deliver a food package directly upon order of the purchaser to a donee (other than a member of the armed forces of the United States) in a foreign country outside of the North American continent, you may add to your ceiling price an amount not to exceed 50 cents for forwarding such package, plus the actual mailing and insurance charges. This allowance may be applied only to the shipment and delivery of individual food gift packages and not of wholesale lots.

SEC. 21. *Sections in Ceiling Price Regulation No. 15 which you must use if they apply to your method of doing business.* Ceiling Price Regulation No. 15, which covers the same food items as this regulation, but for Groups 3 and 4 stores, contains a number of special pricing provisions which you are required to follow if you perform the operations they cover. (You may obtain a copy of Ceiling Price Regulation No. 15 from the OPS District Office for your area.) The sections of that regulation which you must follow if they apply to you are as follows:

(a) Section 21 *How you figure your "net cost" in certain cases* (applies to you if you have items of frozen fruits, berries, or vegetables in storage for a period of 4 weeks or more; if you process smoked fish prior to offering it for sale).

(b) Section 22 *Additions for delivery from your warehouse to your store* (applies to you if your usual receiving point is a warehouse over 125 miles from your store).

(c) Section 23 *How you figure your ceiling prices for foods you "manufacture or otherwise process"* (applies to you if you manufacture or process any of the foods covered by this regulation).

(d) Section 25 *Mail Order Sales* (applies to you if you make mail order sales).

(e) Section 33 *Export Sales* (applies to you if you make export sales).

SEC. 22. *How you figure ceiling prices for items if you are also a wholesaler and receive such items from a warehouse owned or controlled by you.*

(a) If, prior to January 1951 you owned or controlled a warehouse physically separate and apart from your retail store, and you acted as a wholesaler distributing from such warehouse, food products to independent retail stores not owned or controlled by you, and you still own or control such a warehouse, you may, in figuring your ceiling price for each item customarily obtained by you from such warehouse and sold by you from your retail store to the ultimate consumer other than commercial, industrial or institutional users, use as the basis of your "net cost," the net cost you used in figuring your ceiling prices for your wholesale sales under Ceiling Price Regulation No. 14 plus the mark-up allowed in that regulation for a Class 1 (retailer-owned cooperative) wholesaler. To get your ceiling prices, reduce the resulting figure to the "net cost" of a single unit and apply the mark-up for your group of retailer as set forth in section 4.

(b) Within 10 days after you first figure your prices in accordance with the provisions of this section, you must notify the OPS district office for your area in writing that you have so figured your prices.

(c) If you qualify under paragraph (a) of this section, and

(1) Your sales of food to independent retail stores not owned or controlled by you were equal to at least 25 percent of the total sales of food made by you at retail; and

(2) At least 80 percent of such wholesale food sales were of items sold at wholesale by you only; and

(3) During your fiscal year 1950 the average wholesale mark-up on all food items sold at wholesale by you only was at least 18 percent on cost;

you may file an application for permission to use as the basis of your "net cost", in figuring your retail ceiling prices on items sold at wholesale by you only, your wholesale ceiling prices of such items figured under Ceiling Price Regulation No. 14. Such application must be filed in duplicate with the Distribution Branch Food and Restaurant Division, OPS, Washington, D. C., and shall contain the following information:

(1) That you have previously qualified under this section, by submitting a certified copy of the letter submitted to your local OPS office in compliance with paragraph (b) of this section.

(2) A breakdown of total sales, for the fiscal year 1950, showing that your sales to independent retail stores were equal to at least 25 percent of total sales at retail.

(3) A breakdown of the above sales at wholesale to show that at least 80 per cent of the items were sold by you only.

(4) A statement that during the fiscal year 1950 the average wholesale mark-up on all food items sold at wholesale only by you was at least 18 percent on cost.

[Paragraph (c) added by Amdt. 5]

SEC. 23. *Special pricing provisions for manufacturers selling some commodities at retail.* Any person, the larger part of whose business is the manufacturing or processing of foods, but

(a) His entire business in connection with a particular commodity consists of the purchase and resale of such commodity without materially changing its form, and

(b) The larger part of his sales of such commodity are made to ultimate consumers other than commercial, industrial or institutional users.

(c) Shall figure his ceiling prices for sales of such commodity to utlimate consumers other than commercial, industrial or institutional users in accordance with the provisions of this regulation, and shall for such purposes be considered a retailer covered by this regulation.

ARTICLE III—ADJUSTMENT PROVISIONS

SEC. 24. *How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for mark-up adjustments.* (a) If your store is necessary to provide an adequate supply of food products in a locality; and by reason of remote location, long-term credit, short selling season, or other such unusual operating conditions, you find it impossible to operate under the mark-ups fixed by this regulation, you may apply for an adjustment of such mark-ups by filing with the OPS district office for your area two copies of a signed statement giving for your store: (1) its name and address; (2) its group under this regulation; (3) its type (for example, cash-and-carry; service, delicatessen); (4) the approximate number of its food customers; (5) the total number of stores selling food in its community; (6) its distance from the nearest store selling food and the name and address of that store; and (7) the reasons why you are unable to operate under the mark-ups fixed by this regulation.

If you have more than one store you may file one application for all your stores which meet the conditions stated above. Your application must state separately for each store the specific information this section calls for.

(b) Any Regional Office of the OPS, or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of this regulation. Applications for adjustment are governed by Price Procedural Regulation 1.

SEC. 24a. *How certain stores or food departments, selling mostly "specialty" food items may under specific conditions apply to be excluded from using the markups in this regulation for the purpose of establishing their ceiling prices.* (a) If your store or food department meets the average markup requirement specified in this section and does business in the manner outlined below you may apply under paragraph (b) of this section to be excluded from using the markups in this regulation for the purpose of establishing your ceiling prices.

(1) Most of your sales in your store or food department are sales of "specialty" food items made by sales clerks who assist customers in selecting, collecting and wrapping or packaging merchandise.

(2) Your store or food department generally offers to all its customers the services of accepting and filling telephone orders, carrying monthly charge accounts and providing delivery.

(3) The general level of your prices in your store or food department was higher than Group 1 stores in your community during your fiscal year 1950.

(4) The average markup on "net cost" was at least 40 percent on all food sales for your fiscal year 1950 and also, if you are not an independent store, at least 40 percent on the combined food sales in all the stores for which you seek adjustment in your organization. Do not count a restaurant as a food department. If not in business during all of 1950, use your most recent fiscal period.

(b) You must before September 30, 1951, file with the OPS district office for your area an application in duplicate (1) showing clearly that you do business as outlined in paragraph (a) of this section and (2) showing the number of items you normally sell in your store or food department, and (3) showing your average markup on "net cost" for fiscal year 1950 (if not in business during all of 1950 use your most recent fiscal period), and (4) showing the percentage of food items which produce an average markup on "net cost" of 40 percent or more to the total number of food items you sell in your store or food department. You may consider your store or food department excluded from using the markups in this regulation for the purpose of establishing your ceiling prices as soon as you have filed your application in accordance with this section. Then figure all your ceiling prices for food items under the General Ceiling Price Regulation, as amended. This authority may be withdrawn if it is determined by OPS that your store or food department does not qualify for adjustment under this section. Applications for adjustments are governed by Price Procedural Regulation 1.

[Sec. 24a added by Amdt. 2 and amended by Amdt. 6]

ARTICLE IV—MISCELLANEOUS PROVISIONS

SEC. 25. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales", take your total sales for the calendar year 1950. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1950 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were not in business during the entire year 1950 you must divide your total sales from the time you began operation up to May 14, 1951 by the number of weeks you were in business. This will get you your weekly average sales. Multiply this figure by 52, and the result is your "annual gross sales".

[Paragraph (b) amended by Amdt. 1]

SEC. 26. *How you determine your group in certain special cases*—(a) *Department stores.* If you operate a department store, that is, a store in which the greater volume of sales is general merchandise and not foods, and you sell foods in a separate department or departments, you must determine your group by using only the "annual gross sales" of your food department or departments.

(b) *Stores in which more than one retailer operates.* (1) If you sell food in a retail store in which there are other food retailers, none of whom sells a complete line of the same general class of food, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store. If the total "annual gross sales" of all the food retailers in that store is not readily available, you shall apply, in writing, within 30 days after the issuance of the regulation to the OPS District Office for your area, for a determination of your group, stating your own "annual gross sales" figure for the applicable year. Each District Director is authorized to act on requests covering stores located within his district, and action taken shall be by order.

(2) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you will be considered as operating a separate retail store of your own, and you must determine your group by using only your own sales.

(c) *New stores.* If you open a retail store after May 14, 1951, you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not at that date your store is an "independent" store, and you must figure your ceiling prices accordingly. (If you are a Group 3 store, you must figure your ceiling prices under Ceiling Price Regulation No. 15.) However, after you have been in business for 3 months you must determine again what group your store is in. To do this, take your total sales for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in determining the group in which your store belongs.

Furthermore, if by reason of the new store you are now one of four or more stores under one ownership, you must at the end of the three-month period refigure the combined "annual gross sales" for all your stores. If the combined "annual gross sales" are $750,000 or more, all of your stores must then be considered as Group 3 or Group 4 stores. You may continue to use the existing ceiling prices in each store until the second Monday following the end of the 3 month period, by which time you must have refigured all of your ceiling prices in each store, using the mark-ups for its proper group.

If you find that only the new store should now be in another group, you may continue to use the Group 1 mark-ups until the second Monday following the end of the 3-month period, by which time you must have refigured all your ceiling prices using the mark-ups for your new group in which this store falls. You shall use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Monday. If, under that section, you would not have been required to refigure your ceiling price for any item on that Monday, you shall use as your "net cost" for that item the same "net cost" on which your existing ceiling price at that time is based.

[Paragraph (c) amended by Amdt. 1]

SEC. 27. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a sale at retail of food covered by this regulation if you state the tax separately, and if the statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 28. *Transfer of business and stock in trade.* If, after May 14, 1951, you acquire in any way the business assets, and stock in trade of any retail store covered by this regulation and you carry on the business, or continue to deal in the same type of food products in that same store, your ceiling prices shall be the same as those of the former owner as if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you, or give you, all the records of his transactions before you acquire the store which you need to comply with the record provisions of this regulation.

If the transfer changes the business from one group of retail stores to another, your ceiling prices shall be those for the group of retailer to which you belong under this regulation.

[Sec. 28 amended by Amdt. 1]

SEC. 29. *Relation to other regulations.* The provisions of this Ceiling Price Regulation No. 16, except as otherwise provided in this regulation, shall, on and after May 14, 1951, supersede the provisions of the General Ceiling Price Regulation, and any other price regulation or order issued by the OPS with respect to sales and deliveries for which ceiling prices are established by this regulation.

[Sec. 29 amended by Amdt. 1]

SEC. 30. *Definitions.* (a) *Retail route seller.* A "retail route seller" is a retailer who distributes food products to ultimate consumers who are not commercial, industrial or institutional users, either on a future delivery basis or otherwise, from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes. A retailer, most of whose business is the personal solicitation of orders by salesmen calling at the homes or places of business of ultimate consumers, who are not commercial, industrial or institutional users, shall also be considered a retail route seller. A retailer is a "retail route seller" only of the food products he sells in this way.

(b) *Health food stores.* A "health food store" or "health food department" is one whose sales to consumers consists principally of "specially prepared dietetic foods." For the purpose of this regulation a "health food department" is a separate and distinct department operated by separate and specially trained personnel and for which separate records and accounts are maintained. "Specially prepared dietetic foods" are foods manufactured and sold for restricted diets and for special dietetic purposes, including but not limited to, specially prepared foods for diabetic or arthritic conditions, or high blood pressure; specially prepared weight building or tonic foods; and vitamin or mineral supplements.

(c) *Delivery.* Delivery to you of an item covered by this regulation shall be considered to have occurred when the

item has been received by you at your usual receiving point.

(d) *Usual receiving point.* Your usual receiving point will be either your retail store or your warehouse from which you supply your retail stores, depending upon where you normally receive the particular item you are pricing under this regulation.

(e) *Item.* You must determine a separate ceiling price for each item; that is, for each kind, brand, size, variety, grade, container-type, and container-size.

(f) *Manufacture or otherwise process.* "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, bottling, milling, crushing, straining, roasting, centrifuging, cooking, distilling, purifying with heat, printing of butter, and other similar operations, and packaging of spices, tea and gelatin.

Packaging as used in section 18 shall not be considered manufacturing or processing under this regulation.

(g) *Group 3 retailer.* A retailer is in Group 3 if he has an "annual gross sales" of less than $375,000 and he is not an "independent" retailer.

(h) *Group 4 retailer.* A retailer is in Group 4 whether "independent" or not, if he has an "annual gross sales" of $375,000 or more.

(i) *Great Lakes marine supplier.* A "Great Lakes marine supplier" means a person operating a selling establishment which buys and resells food products for the most part to "operators of a lake vessel or vessels," for consumption aboard such vessel or vessels, with delivery from shore locations by use of truck or launch facilities. "Operator of a lake vessel or vessels" means any person who owns or operates a lake vessel or vessels, other than passenger boats, engaged in shipping upon the Great Lakes, and who in operating such vessels purchases or receives food products covered by this regulation from a Great Lakes marine supplier for consumption aboard such vessels.

(j) *Specialty foods.* Specialty foods shall mean food items normally classed as table delicacies or luxury items such as sea squad, terrapin stew, brandied fruits, fancy imported foods, wild game, etc., which the average wholesale grocer and retailer does not stock as a complete line of merchandise.

[Paragraph (j) added by Amdt. 2]

SEC. 31. *Geographical applicability.* The provisions of this regulation shall apply to the 48 States of the United States and to the District of Columbia.

ARTICLE V—TABLES

SEC. 32. *Table of mark-ups for "dry groceries" (Table A)—(a) Table A: Markups over "net cost" allowed to Group 1 and Group 2 retailers for dry groceries covered by this regulation by commodities.*

TABLE A—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR DRY GROCERIES COVERED BY THIS REGULATION BY COMMODITIES

	Allowed mark-ups over "net cost," independent retailers with annual volumes	
	Group 1	Group 2
	Under $75,000	$75,000 or more but less than $375,000
Food commodities	*Percent*	*Percent*
1. Baby foods	25	23
2. Cereals, breakfast	22	20
3. Cocoa, chocolate, and cereal drink preparations	29	29
4. Coffee	17	17
5. Cookies, crackers, toast and crumbs	25	25
6. Corn meal, hominy, and flour mixes	29	29
7. Dog and cat foods	27	27
8. Fish, processed	27	27
9. Flour	27	27
10. Frozen foods	27	27
11. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	26	26
12. Fruit cocktail, pineapple, peaches and pears (canned) except juices	25	23
13. Fruits, dried and dehydrated	27	25
14. Gelatin and pudding mixtures	28	25
15. Jams, jellies, preserves, honey, and peanut butter	32	32
16. Lard, pure	20	18
17. Macaroni and spaghetti products	32	32
18. Mayonnaise and salad dressing	24	24
19. Meat, canned	21	21
20. Milk, canned	20	20
21. Oils, cooking and salad	28	28
22. Oleomargarine	17	15
23. Pickles and relishes	32	32
24. Rice	28	28
25. Shortening, hydrogenated	9	9
26. Shortening, other	18	18
27. Soups, canned	27	26
28. Soups, dehydrated	34	34
29. Spices	46	46
30. Syrups	28	28
31. Tea	26	26
32. Vegetables and vegetable juices (canned) except corn, green beans, peas, tomatoes and tomato juice (canned)	31	31
33. Corn, green beans, peas, tomatoes and tomato juice (canned)	25	23
34. Vegetables, dried and dehydrated	36	36
35. Vinegar	39	34
36. Miscellaneous foods	40	40

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(1) "*Baby foods*" means "baby" or "junior" cereals, fruits, vegetables, meats, pudding, soups and mixtures thereof, packed in hermetically sealed containers. Not included in this definition are dry baby cereals.	(1) "*Baby foods*". Excluded are: Dry baby cereals.	(1) "*Baby foods*". Excluded are: None.
(2) "*Cereals, breakfast*" means bulk or packaged cereal items of any size commonly used as breakfast foods, both uncooked and ready-to-eat types including but not limited to, bran flakes, farina, popped rice, and rolled oats. Not included in this definition are barley, corn meal, corn grits, hominy grits and flakes, rice and wheat bran flour.	(2) "*Cereals, breakfast*". Excluded are: Steel cut oats and wheat germ.	(2) "*Cereals, breakfast*". Excluded are: Imported "cereals, breakfast" if imported in consumer size containers.
(3) "*Cocoa, chocolate, and cereal-drink preparations*" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35% malted milk, chocolate syrup packed in consumer sizes, chocolate bits, and cooking chocolate and packaged powdered skim milk (spray process).	(3) "*Cocoa, chocolate, and cereal-drink preparations*". Excluded are: Malted milk and any preparations containing 35% or more malted milk, chocolate confections, bittersweet bars, milk chocolate, chocolate syrup packed in No. 10 tin or larger, powdered whole milk, powdered skim milk packaged in tin in inert gas.	(3) "*Cocoa, chocolate, and cereal-drink preparations*". Excluded are: Imported cocoa, chocolate and cereal drink preparations if imported in consumer size containers.
(4) "*Coffee*" means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes. Not included in this definition is frozen coffee concentrate.	(4) "*Coffee*". Excluded is: Green coffee in containers of the customary unit and weight in which they are imported into the United States.	(4) "*Coffee*". Excluded is: Imported coffee if imported in consumer size containers (2 lbs. or less).
(5) "*Cookies, crackers, toast and crumbs*" includes, but is not limited to biscuits, Christmas cookies, fig crackers, graham crackers, pretzels, rye crackers, zwiebach, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal and related matzo products. Not included in this definition are any items which are bought by you in bulk and sold loose.	(5) "*Cookies, crackers, toast and crumbs*". Excluded are: Any baking product which you manufacture, Passover matzo, Passover matzo meal and related Passover products, any cookie or cracker item which is purchased in consumer sizes in tin or glass containers, baked goods, fresh, such as bread, pies, cakes, rolls, doughnuts, coffee cakes, candies (except cookies, crackers, toast and crumbs), and rice crackers.	(5) "*Cookies, crackers, toast and crumbs*". Excluded are: Imported cookies, crackers and toast, if imported in consumer size containers.
(6) "*Corn meal, hominy and flour mixes*" means bulk or packaged corn meal, corn grits, hominy, hominy grits, hominy flakes, prepared hominy and bulk or packaged flour mixes milled from wheat seminola, farina, buckwheat, corn, rice, and potatoes, including, but not limited to, prepared pancake, biscuit, pie crust and gingerbread mix. Not included in this definition is canned hominy which is in "Vegetables and Vegetable Juices, Canned".	(6) "*Corn meal, hominy and flour mixes*". Excluded are: None.	(6) "*Corn meal, hominy and flour mixes*". Excluded is: Water ground corn meal.
(7) "*Dog and cat food*" shall not include any item prepared by you for pet food, or any frozen dog or cat food.	(7) "*Dog and cat food*". Excluded are: None.	(7) "*Dog and cat food*". Excluded are: None.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(8) "*Fish, processed*" includes canned fish, canned seafood, and salted or otherwise processed fish, such as fish cakes. Not included in this definition are frozen food products in which fish or seafood are combined with other ingredients, clams, crab meat, lobster, lobster bisque, and oysters.	(8) "*Fish, processed*". Excluded are: Frozen fish and seafood, canned clams; and kippered, marinated, dried or smoked fish and seafood (except sardines).	(8) "*Fish, processed*". Excluded are: Fresh fish and seafood, canned clam juice, fish and seafood pates, pastes and purees, sauce containing fish and seafood, fish roe, caviar, fish and seafood hors d'oeuvres; and imported "fish, processed" if imported in consumer size containers, except tuna, crab meat and salmon.
(9) "*Flour*" means bulk or packaged (in any size) flour milled from wheat, seminola, farina, buckwheat, corn, rice, and potatoes, including but not limited to, all-purpose family flour, self-rising flour, cake flour, and enriched flour. Not included in this definition are all flour mixes.	(9) "*Flour*". Excluded are: None.	(9) "*Flour*". Excluded are: None.
(10) "*Frozen foods*" means packaged quick-frozen or cold-packed foods sold from refrigerated cabinets or lockers, including, but not limited to all fruits, berries, fruit or berry juices, and mixtures (except any of the foregoing in containers of a capacity of more than 50 pounds), vegetables, vegetable juices, and mixtures, including mushrooms, dog and cat foods not prepared by you for pet foods, applesauce, macaroni and spaghetti products, chop suey, chow mein, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and corned beef hash, frozen instant coffee, concentrated frozen fresh milk, frozen meat pies, frozen pies and pastries.	(10) "*Frozen foods*". Excluded are: Frozen fruits, berries, fruit or berry juices and mixtures in containers of a capacity of more than 50 pounds, frozen fish and seafood, frozen meat, poultry, ice cream, sherbet and frozen confections.	(10) "*Frozen foods*". Excluded are: Frozen hollandaise sauce.
(11) "*Fruits, berries and fruit juices, canned*" includes but is not limited to, apple sauce, apple cider, berry juices, concentrated fruit juices, citrus fruits and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries without stems, fruit nectars, bulk apple cider, fruits for salad, pineapple juice and non-carbonated liquid fruit beverages such as grapeade, lemonade, and orangeade. Not included in this definition are apple butter, fruit butters, jam, jellies, fruit preserves, cocoanut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple (except pineapple juice), peaches, pears and frozen fruits.	(11) "*Fruits, berries and fruit juices, canned*". Excluded are: None.	(11) "*Fruits, berries and fruit juices, canned*". Excluded are: Brandied or stuffed fruits or berries; whole or half citrus fruits; cocktail slices and sticks; and maraschino cherries with stems, imported fruits; berries and fruit juices canned (except pineapple juice), if imported in consumer size containers.
(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*". Not included in this definition are fruits for salad and frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.	(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*". Excluded are: None.	(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*". Excluded are: Brandied, liquor flavored and stuffed fruits, cocktail slices or sticks, imported fruit cocktail, peaches and pears (canned) if imported in consumer size containers.
(13) "*Fruits, dried and dehydrated*" (packaged or bulk) includes, but is not limited to, stuffed dried fruits, dried dates and figs, pitted dates and macerated dates. Not included in this definition are fruit confections, candied or glaced fruits and peels, fresh dates and date products.	(13) "*Fruits, dried or dehydrated*". Excluded are: None.	(13) "*Fruits, dried or dehydrated*". Excluded are: None.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(14) "*Gelatin and pudding mixtures*" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, rennet, and pie fillings.	(14) "*Gelatin and pudding mixtures*". Excluded are: None.	(14) "*Gelatin and pudding mixtures*". Excluded are: Wine gelatins, wine dessert powders and all imported gelatin and pudding mixtures if imported in consumer size containers.
(15) "*Jams, jellies, preserves, honey, and peanut butter*" includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch type nut butters, honey butter and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Not included in this definition are cranberry jelly or sauce.	(15) "*Jams, jellies, preserves, honey and peanut butter*". Excluded are: Honey packed with blossom, and comb honey.	(15) "*Jams, jellies, preserves, honey and peanut butter*". Excluded are: Wine jellies, preserved kumquats, melons and fruit rind. Also excluded are imported jams, jellies preserves and honey if imported in consumer size containers.
(16) "*Lard, pure*" (packaged or bulk) includes, but is not limited to, rendered pork fat. Not included in this definition are lard compounds which are classed as "shortenings, other".	(16) "*Lard, pure*". Excluded are: None.	(16) "*Lard, pure*". Excluded are: None.
(17) "*Macaroni and spaghetti products*" includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells", noodles, macaroni dinners, spaghetti dinners, canned macaroni and canned spaghetti. Not included in this definition are meat ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meatballs, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.	(17) "*Macaroni and spaghetti products*". Excluded are: None.	(17) "*Macaroni and spaghetti products*". Excluded are: Imported macaroni and spaghetti products if imported in consumer size containers.
(18) "*Mayonnaise and salad dressing*" includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and French dressing. Not included in this definition are meat spreads.	(18) "*Mayonnaise and salad dressing*". Excluded are: None.	(18) "*Mayonnaise and salad dressing*". Excluded are: Hollandaise sauce, cheese dressings, and imported mayonnaise and salad dressing if imported in consumer size containers.
(19) "*Meat, canned*" includes but is not limited to, canned or glass chicken products, canned or glass turkey products, chicken and noodles, meat gravy, meat ravioli, pickled meats, luncheon meats, chili con carne, meat stews, meat spreads and spaghetti and meat balls. Not included in this definition are pigs feet, scrapple, tamales, tripe, veal loaf, mincemeat, frozen-food products in which meat, chicken or turkey are combined with other ingredients, frozen meat gravies and frozen meat stews and pies.	(19) "*Meat, canned*". Excluded are: Canned breast of chicken, chicken fricassee, whole or half chicken, chicken-a-la-king, "Smithfield" ham and "Smithfield" ham products and any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts.	(19) "*Meat, canned*". Excluded are: Canned smoked tongue, liver, hearts, gizzards, cocktail frankfurters, canned wild game, meat or poultry pates, canned turtle meat, imported canned meat if imported in consumer sizes of 2 lbs. or less, except beef and beef products, pate de foie gras and rattlesnake meat.

[Subparagraph (19) amended by Amdt. 6]

(20) "*Milk, canned*" means evaporated or condensed cow milk, including but not limited to, filled evaporated milk products.	(20) "*Milk, canned*". Excluded are: Goat milk, whole milk powdered, and powdered skim-milk packaged in tin in an inert gas. Malted milk and any preparation containing 35% or more malted milk. Also excluded are fresh milk, cream and powdered skim milk, bulk.	(20) "*Milk, canned*". Excluded are: None.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(21) *"Oils, cooking and salad"* means all vegetable, fruit leaf plant oils, cooking fats other than lard and shortening. Not included in thisdefinition are olive oil, prepared dressings, and spice oils.	(21) *"Oils, cooking and salad".* Excluded are: None.	(21) *"Oils, cooking and salad".* Excluded are: None.
(22) *"Oleomargarine"* means any product labeled "Oleomargarine".	(22) *"Oleomargarine".* Excluded are: None.	(22) *"Oleomargarine".* Excluded are: None.
(23) *"Pickles and relishes"* (packaged) includes, but is not limited to, chow chow, pickled peppers, pickled relishes, pickled onions and pickled vegetables. Not included in this definition are mayonnaise relish spreads and tartar sauce.	(23) *"Pickles and relishes".* Excluded are: Bulk pickles, pickled fruits, burr gherkins, stuffed pickles, and relishes prepared by the retailer.	(23) *"Pickles and relishes".* Excluded are: Pickled rind and imported "pickles and relishes", if imported in consumer size containers.
(24) *"Rice"* packaged or bulk means all rice (including second heads) of the grades defined by the Department of Agriculture bulletin of Standards for Milled Rice (effective September 4, 1946). Not included in this definition are rice flour, rice flakes, popped rice, and canned Spanish rice.	(24) *"Rice".* Excluded are: Screenings and brewers' rice graded as Class XIII and Class XIV, respectively, by the Department of Agriculture bulletin of Standards for Milled Rice (effective September 4, 1946).	(24) *"Rice".* Excluded are: Wild rice.
(25) *"Shortening, hydrogenated"* means all fully hydrogenated shortening.	(25) *"Shortening, hydrogenated".* Excluded are: None.	(25) *"Shortening, hydrogenated".* Excluded are: None.
(26) *"Shortening, other"* means shortenings other than fully hydrogenated shortening. Not included in this definition are butter, lard, oleomargarine, and suet.	(26) *"Shortening, other".* Excluded are: None.	(26) *"Shortening, other".* Excluded are: None.
(27) *"Soups, canned"* includes soups, broths and chowder. Not included in this definition are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.	(27) *"Soups, canned".* Excluded are: All bisques (except tomato, chicken, celery and mushroom), vichysoisse, minestrone and bouillabaisse	(27) *"Soups, canned".* Excluded are: Turtle, wine and sherry flavored, fish or seafood soups (except clam chowder), smoked turkey and game bird soups; almond, artichoke, broccoli, cucumber and watercress soups; all imported soups if imported in consumer size containers.
(28) *"Soups, dehydrated"* means dry mixtures sold for soup making, including but not limited to, bouillon concentrates, and dry noodle soup mixtures. Not included in this definition are other macaroni or noodle products, lentils and dried peas.	(28) *"Soups, dehydrated".* Excluded are: None.	(28) *"Soups, dehydrated".* Excluded are: None.
(29) *"Spices"* includes, but is not limited to, bay leaves, caraway seeds, dried peppers, dry chili, celery seed, celery salt, celery flakes, chili powder, garlic, garlic salt, herbs, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, seasoned salt, sesame seed, thyme, and cream of tartar. Not included in this definition are table salt, spice oils and candied ginger.	(29) *"Spices".* Excluded are: Raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States; spices in assorted sets, contained in wooden or other type trays designed as permanent kitchen furniture, and spices and herbs packed in glass.	(29) *"Spices".* Excluded are: Imported spices and herbs, if imported in consumer size containers.
(30) *"Syrups"* means all malt, molasses, cane, maple, and corn syrups, and imitations or blends. Not included in this definition are chocolate and ice cream sundae syrups.	(30) *"Syrups".* Excluded are: Unmixed corn syrups, molasses sold for feeding purposes, sorghum syrup and fruit syrups for making beverages.	(30) *"Syrups".* Excluded are: Rock candy syrup, and imported syrup, if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(31) *"Tea"* includes all bulk or packaged tea, tea bags and concentrated tea.	(31) *"Tea".* Excluded are: Assam, Darjeeling, Formosa Oolong, Ceylon, Kee-Mun, Lapsang Souchong, Jasmine, and Fancy Green Teas and blends thereof; mate; and sales of tea in containers of the customary unit and weight in which they are imported into the United States.	(31) *"Tea".* Excluded is: Imported tea, if imported in consumer size containers.
(32) *"Vegetables and vegetable juices, canned"* includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, wax beans, sauerkraut, rhubarb, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimentos, and Chinese-style foods, including soy sauce, and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Not included in this definition are vegetable soups, "baby" or "junior" foods, pickles, corn, green beans, peas (except canned blackeye, crowder, cream and field peas), shoestring and julienne potatoes, french fried onions, tomatoes, tomato juice and frozen vegetables.	(32) *"Vegetables and vegetable juices, canned".* Excluded are: Baked beans prepared by the retailer, and potato chips.	(32) *"Vegetables and vegetable juices, canned".* Excluded are: Cocktail mushrooms, imported vegetables and vegetable juices canned, if imported in consumer size containers.
(33) *"Corn, green beans, peas, tomatoes, and tomato juice, canned".* Not included in this definition are frozen vegetables and canned blackeye, crowder, cream and field peas, and wax beans. "Canned" means processed and packaged in any container whether or not hermetically sealed.	(33) *"Corn, green beans, peas, tomatoes and tomato juice, canned".* Excluded are: None.	(33) *"Corn, green beans, peas, tomatoes and tomato juice, canned".* Excluded are: None.
(34) *"Vegetables, dried and dehydrated"* (packaged or bulk) includes, but is not limited to, dried beans, blackeye peas, dried mushrooms, dried peas and lentils. Not included in this definition are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili and dried peppers.	(34) *"Vegetables, dried and dehydrated".* Excluded are: None.	(34) *"Vegetables, dried and dehydrated".* Excluded are: Imported dried and dehydrated vegetables, if imported in consumer size containers.
(35) *"Vinegar"* (bottled or bulk) includes, but is not limited to, pure cider vinegar and distilled vinegar.	(35) *"Vinegar".* Excluded are: Wine, tarragon, malt and fruit vinegar (except apple).	(35) *"Vinegar".* Excluded are: Imported vinegars if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(36) *"Miscellaneous foods"* shall include all other dry grocery items except those specifically excluded in paragraphs (c) and (d) of this section. Among the items included under this heading are the following: Baking powder. Baking soda. Barley (pearl). Brown bread, and date and nut bread canned. Brewers yeast in consumer size packages not to exceed 2 pounds. Cherry juice (canned). Cocoanut, shredded, desiccated or moist. "Cookies, crackers, toast and crumbs" bought by you in bulk and sold loose. Cornstarch, edible or gloss packaged in containers of 10 pounds or less (excluded are powdered prepared laundry starching compounds). Crab meat. Cranberry juice (canned). Date products. Extracts. Flavorings. Food colorings. French fried onions (canned). Fruit pectins. Glazed or candied fruits and peels. Ice cream sundae syrups, including chocolate syrup packed in No. 10 tins or larger or 1-gallon containers or larger. Loganberry juice (canned). Macaroni salad (canned). Meat flavorings. Meat sauces, except catsup, cocktail sauce, and chili sauce. Mincemeat. Mustard, prepared. Olives. Oysters (canned). Pigs feet (canned). Popcorn, not popped. Potato salad (canned). Potatoes, julienne (canned). Potatoes, shoestring (canned). Pudding, date. Pudding, fig. Pudding, plum. Scrapple (canned). Spanish rice (canned). Table salt packaged in cartons, bags, or packets containing 100 pounds or less, meat-curing and smoked salt, Kosher salt in cartons and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt (excluded are onion, celery or garlic salt). Spice oils. Tamales (canned). Tomato aspic (canned). Tom and Jerry batter (bottled). Tripe (canned). Veal loaf (canned). Yeast.	(36) *"Miscellaneous foods".* Excluded are: Beer. Bird seed and gravel. Bread. Buttermilk, fresh. Candied ginger. Candy. Cheese, bulk, all types. Comb honey. Cornstarch, edible or gloss (packaged in containers of more than 10 pounds). Corn sugar. Cream. Eggs. Feed, animal or poultry (other than pet food). Fresh fruits and vegetables. Frozen fish and seafood. Fruit cake. Fruit and vegetable powders for making beverages. Gift or holiday packages bought assembled, and containing one or more items covered by this regulation. Ice cream cones. Ice cream, sherbet and frozen confections. Laundry starching compounds, powdered prepared. Liquors. Maple sugar. Meat and fish (except "fish, processed," and "meat, canned"). Milk, fresh. Mineral oil. Molasses sold for feeding purposes. Nuts. Peanuts. Pet foods (except cat and dog foods or any frozen cat or dog foods). Popcorn, popped. Potato chips. Poultry, other than canned or bottled. Salads and relishes prepared by the retailer. Salt not covered by section 32 (b) (36). Soft drinks. Tamales, bulk. Tortillas. Vitamin concentrates. Wine.	(36) *"Miscellaneous foods".* Excluded are: Truffles, capers, canned snails, cane or beet sugar, rattlesnake meat, easter egg dye, and olive oil.

[Paragraphs (b) and (c) amended by Amdt. 3; paragraph (d) added by Amdt. 3]

SEC. 33. (a) *Table of mark-ups for "perishables" (Table B)—Table B: Mark-ups over "net costs" allowed to Group 1 and Group 2 retailers for "perishables" covered by this regulation by commodities.*

TABLE B

[Mark-ups over "net costs" allowed to Group 1 and Group 2 retailers for perishables covered by this regulation by commodities]

	Allowed mark-ups over "net cost"		"Selling unit" in which ceiling price must be calculated
	Independent retailers with annual volumes		
	Group 1 Under $75,000	Group 2 $75,000 but less than $375,000	
Food commodities			
(1) Dairy products:	*Percent*	*Percent*	
Butter	10	10	1 pound.
Cheese	27	27	1 pound or 1 package.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(1) *"Dairy Products".* *Butter* (packaged) means only butter from milk, including but not limited to, processed salted, unsalted and whipped butter. Not included in this definition are peanut, nut fruit or honey butters. *"Cheese"* shall include all packaged cheese, cheese spreads, and cheese foods purchased packaged.	*"Butter".* Excluded: Bulk or tub butter. *"Cheese".* Excluded are: Imported packaged cheese if imported in consumer size containers. Cheese gift packages of assorted cheeses if assembled by you, and all types of bulk cheese.	*"Butter".* Excluded are: None. *"Cheese".* Excluded are: None.

[Paragraph (b) amended by Amdts. 3 and 6; paragraph (c) added by Amdt. 3 and amended by Amdt. 6; paragraph (d) added by Amdt. 3]

SEC. 34. *Table of ceiling prices based on any given "net cost" and mark-up (Table C)*—(a) *Table C. Retail ceiling prices obtained by applying any given percentage mark-up to any given net cost.*

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST

ITEMS WITH A "NET COST" OF FROM ½¢ TO 10¢ PER UNIT

Net cost (per unit)	½¢	1¢	1½¢	2¢	2½¢	3¢	3½¢	4¢	4½¢	5¢	5½¢	6¢	6½¢	7¢	7½¢	8¢	8½¢	9¢	9½¢	10¢
Mark-up (percent)	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
7	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
8	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
9	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
10	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
11	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	11
12	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
13	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
14	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	11
15	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	12
16	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	10	11	12
17	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	11	11	12
18	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	11	11	12
19	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
20	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
21	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
22	1	2	2	3	3	4	4	5	5	6	7	7	8	9	9	10	10	11	12	12
23	1	2	2	3	3	4	4	5	6	6	7	7	8	9	9	10	10	11	12	12
24	1	2	2	3	3	4	4	5	6	6	7	7	8	9	9	10	11	11	12	12
25	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13
26	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13
27	1	2	2	3	3	4	4	5	6	6	7	8	8	9	10	10	11	11	12	13
28	1	2	2	3	3	4	4	5	6	6	7	8	8	9	10	10	11	12	12	13
29	1	2	2	3	3	4	5	5	6	6	7	8	8	9	10	10	11	12	12	13
30	1	2	2	3	3	4	5	5	6	7	7	8	8	9	10	10	11	12	12	13
31	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	10	11	12	12	13
32	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
33	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
34	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
35	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	14
36	1	2	2	3	3	4	5	5	6	7	7	8	9	10	10	11	12	12	13	14
37	1	2	2	3	3	4	5	5	6	7	8	8	9	10	10	11	12	12	13	14
38	1	2	2	3	3	4	5	6	6	7	8	8	9	10	10	11	12	12	13	14
39	1	2	2	3	3	4	5	6	6	7	8	8	9	10	10	11	12	13	13	14
40	1	2	2	3	4	4	5	6	6	7	8	8	9	10	11	11	12	13	13	14
41	1	2	2	3	4	4	5	6	6	7	8	8	9	10	11	11	12	13	13	14
42	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	11	12	13	13	14
43	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	11	12	13	14	14
44	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	12	12	13	14	14
45	1	2	2	3	4	4	5	6	7	7	8	9	9	10	11	12	12	13	14	15
46	1	2	2	3	4	4	5	6	7	7	8	9	9	10	11	12	12	13	14	15
47	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	12	13	14	15
48	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
49	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
50	1	2	2	3	4	5	5	6	7	8	8	9	10	11	11	12	13	14	14	15

ITEMS WITH A "NET COST" OF FROM 10½¢ TO 18¢ PER UNIT

Net cost (per unit)	10½¢	11¢	11½¢	12¢	12½¢	13¢	13½¢	14¢	14½¢	15¢	15½¢	16¢	16½¢	17¢	17½¢	18¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	11	12	12	13	13	14	14	15	15	16	16	17	17	18	19	19
7	11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19
8	11	12	12	13	14	14	15	15	16	16	17	17	18	18	19	19
9	11	12	13	13	14	14	15	15	16	16	17	17	18	19	19	20
10	12	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20
11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19	20
12	12	12	13	13	14	15	15	16	16	17	17	18	18	19	20	20
13	12	12	13	14	14	15	15	16	16	17	18	18	19	19	20	20
14	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20	21
15	12	13	13	14	14	15	16	16	17	17	18	18	19	20	20	21
16	12	13	13	14	15	15	16	16	17	17	18	19	19	20	20	21
17	12	13	13	14	15	15	16	16	17	18	18	19	19	20	20	21
18	12	13	14	14	15	15	16	17	17	18	18	19	19	20	21	21
19	12	13	14	14	15	15	16	17	17	18	18	19	20	20	21	21
20	13	13	14	14	15	16	16	17	17	18	19	19	20	20	21	22
21	13	13	14	15	15	16	16	17	18	18	19	19	20	21	21	22
22	13	13	14	15	15	16	16	17	18	18	19	20	20	21	21	22
23	13	14	14	15	15	16	17	17	18	18	19	20	20	21	22	22
24	13	14	14	15	16	16	17	17	18	19	19	20	20	21	22	22
25	13	14	14	15	16	16	17	18	18	19	19	20	21	21	22	23
26	13	14	14	15	16	16	17	18	18	19	20	20	21	21	22	23
27	13	14	15	15	16	17	17	18	18	19	20	20	21	22	22	23
28	13	14	15	15	16	17	17	18	19	19	20	20	21	22	22	23
29	14	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23
30	14	14	15	16	16	17	18	18	19	20	20	21	21	22	23	23
31	14	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24
32	14	15	15	16	17	17	18	18	19	20	20	21	22	22	23	24
33	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23	24
34	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23	24
35	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	24
36	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	24
37	14	15	16	16	17	18	18	19	20	21	21	22	23	23	24	25
38	14	15	16	17	17	18	19	19	20	21	21	22	23	23	24	25
39	15	15	16	17	17	18	19	19	20	21	22	22	23	24	24	25
40	15	15	16	17	18	18	19	20	20	21	22	22	23	24	25	25
41	15	16	16	17	18	18	19	20	20	21	22	23	23	24	25	25
42	15	16	16	17	18	18	19	20	21	21	22	23	23	24	25	26
43	15	16	16	17	18	19	19	20	21	21	22	23	24	24	25	26
44	15	16	17	17	18	19	19	20	21	22	22	23	24	24	25	26
45	15	16	17	17	18	19	20	20	21	22	22	23	24	25	25	26
46	15	16	17	18	18	19	20	20	21	22	23	23	24	25	26	26
47	15	16	17	18	18	19	20	21	21	22	23	24	24	25	26	26
48	16	16	17	18	19	19	20	21	21	22	23	24	24	25	26	27
49	16	16	17	18	19	19	20	21	22	22	23	24	25	25	26	27
50	16	17	17	18	19	20	20	21	22	23	23	24	25	26	26	27

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 18½¢ TO 26¢ PER UNIT

Net cost (per unit)	18½¢	19¢	19½¢	20¢	20½¢	21¢	21½¢	22¢	22½¢	23¢	23½¢	24¢	24½¢	25¢	25½¢	26¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28
7	20	20	21	21	22	22	23	24	24	25	25	26	26	27	27	28
8	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28	28
9	20	21	21	22	22	23	23	24	25	25	26	26	27	27	28	28
10	20	21	21	22	23	23	24	24	25	25	26	26	27	28	28	29
11	21	21	22	22	23	23	24	24	25	26	26	27	27	28	28	29
12	21	21	22	22	23	24	24	25	25	26	26	27	27	28	29	29
13	21	21	22	23	23	24	24	25	25	26	27	27	28	28	29	29
14	21	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30
15	21	22	22	23	24	24	25	25	26	26	27	28	28	29	29	30
16	21	22	23	23	24	24	25	26	26	27	27	28	28	29	30	30
17	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30	30
18	22	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31
19	22	23	23	24	24	25	26	26	27	27	28	29	29	30	30	31
20	22	23	23	24	25	25	26	26	27	28	28	29	29	30	31	31
21	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31	31
22	23	23	24	24	25	26	26	27	27	28	29	29	30	31	31	32
23	23	23	24	25	25	26	26	27	28	28	29	30	30	31	31	32
24	23	24	24	25	25	26	27	27	28	29	29	30	30	31	32	32
25	23	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33
26	23	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33
27	23	24	25	25	26	27	27	28	29	29	30	30	31	32	32	33
28	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33	33
29	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33	34
30	24	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34
31	24	25	26	26	27	28	28	29	29	30	31	31	32	33	33	34
32	24	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34
33	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35
34	25	25	26	27	27	28	29	29	30	31	31	32	33	34	34	35
35	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34	35
36	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35	35
37	25	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36
38	26	26	27	28	28	29	30	30	31	32	32	33	34	35	35	36
39	26	26	27	28	28	29	30	31	31	32	33	33	34	35	35	36
40	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36	36
41	26	27	27	28	29	30	30	31	32	32	33	34	35	35	36	37
42	26	27	28	28	29	30	31	31	32	33	33	34	35	36	36	37
43	26	27	28	29	29	30	31	31	32	33	34	34	35	36	36	37
44	27	27	28	29	30	30	31	32	32	33	34	35	35	36	37	37
45	27	28	28	29	30	30	31	32	33	33	34	35	36	36	37	38
46	27	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38
47	27	28	29	29	30	31	32	32	33	34	35	35	36	37	37	38
48	27	28	29	30	30	31	32	33	33	34	35	36	36	37	38	38
49	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38	39
50	28	29	29	30	31	32	32	33	34	35	35	36	37	38	38	39

ITEMS WITH A "NET COST" OF FROM 26½¢ TO 34¢ PER UNIT

Net cost (per unit)	26½¢	27¢	27½¢	28¢	28½¢	29¢	29½¢	30¢	30½¢	31¢	31½¢	32¢	32½¢	33¢	33½¢	34¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	28	29	29	30	30	31	31	32	32	33	33	34	34	35	36	36
7	28	29	29	30	30	31	32	32	33	33	34	34	35	35	36	36
8	29	29	30	30	31	31	32	32	33	33	34	35	35	36	36	37
9	29	29	30	31	31	32	32	33	33	34	34	35	35	36	37	37
10	29	30	30	31	31	32	32	33	34	34	35	35	36	36	37	37
11	29	30	31	31	32	32	33	33	34	34	35	36	36	37	37	38
12	30	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38
13	30	31	31	32	32	33	33	34	34	35	36	36	37	37	38	38
14	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38	39
15	30	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39
16	31	31	32	32	33	34	34	35	35	36	37	37	38	38	39	39
17	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40
18	31	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40
19	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40	40
20	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41
21	32	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41
22	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41	41
23	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42
24	33	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42
25	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42	43
26	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42	43
27	34	34	35	36	36	37	37	38	39	39	40	41	41	42	43	43
28	34	35	35	36	36	37	38	38	39	40	40	41	42	42	43	44
29	34	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44
30	34	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44
31	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45
32	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45
33	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45	45
34	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45	46
35	36	36	37	38	38	39	40	41	41	42	43	43	44	45	45	46
36	36	37	37	38	39	39	40	41	41	42	43	44	44	45	46	46
37	36	37	38	38	39	40	40	41	42	42	43	44	45	45	46	47
38	37	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47
39	37	38	38	39	40	40	41	42	42	43	44	44	45	46	47	47
40	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47	48
41	37	38	39	39	40	41	42	42	43	44	44	45	46	47	47	48
42	38	38	39	40	40	41	42	43	43	44	45	45	46	47	48	48
43	38	39	39	40	41	41	42	43	44	44	45	46	46	47	48	49
44	38	39	40	40	41	42	42	43	44	45	45	46	47	48	48	49
45	38	39	40	41	41	42	43	44	44	45	46	46	47	48	49	49
46	39	39	40	41	42	42	43	44	45	45	46	47	47	48	49	50
47	39	40	40	41	42	43	43	44	45	46	46	47	48	49	49	50
48	39	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50
49	39	40	41	42	42	43	44	45	45	46	47	48	48	49	50	51
50	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50	51

[Above portion of Table C amended by Amdt. 6]

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 34½¢ TO 42¢ PER UNIT

Net cost (per unit)	34½¢	35¢	35½¢	36¢	36½¢	37¢	37½¢	38¢	38½¢	39¢	39½¢	40¢	40½¢	41¢	41½¢	42¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	37	37	38	38	39	39	40	40	41	41	42	42	43	43	44	45
7	37	37	38	39	39	40	40	41	41	42	42	43	43	44	44	45
8	37	38	38	39	39	40	41	41	42	42	43	43	44	44	45	45
9	38	38	39	39	40	40	41	41	42	43	43	44	44	45	45	46
10	38	39	39	40	40	41	41	42	42	43	43	44	45	45	46	46
11	38	39	39	40	41	41	42	42	43	43	44	44	45	46	46	47
12	39	39	40	40	41	41	42	43	43	44	44	45	45	46	46	47
13	39	40	40	41	41	42	42	43	44	44	45	45	46	46	47	47
14	39	40	40	41	42	42	43	43	44	44	45	46	46	47	47	48
15	40	40	41	41	42	43	43	44	44	45	45	46	47	47	48	48
16	40	41	41	42	42	43	44	44	45	45	46	46	47	48	48	49
17	40	41	42	42	43	43	44	44	45	46	46	47	47	48	49	49
18	41	41	42	42	43	44	44	45	45	46	47	47	48	48	49	50
19	41	42	42	43	43	44	45	45	46	46	47	48	48	49	49	50
20	41	42	43	43	44	44	45	46	46	47	47	48	49	49	50	50
21	42	42	43	44	44	45	45	46	47	47	48	48	49	50	50	51
22	42	43	43	44	45	45	46	46	47	48	48	49	49	50	51	51
23	42	43	44	44	45	46	46	47	47	48	49	49	50	50	51	52
24	43	43	44	45	45	46	47	47	48	48	49	50	50	51	51	52
25	43	44	44	45	46	46	47	48	48	49	49	50	51	51	52	53
26	43	44	45	45	46	47	47	48	49	49	50	50	51	52	52	53
27	44	44	45	46	46	47	48	48	49	50	50	51	51	52	53	53
28	44	45	45	46	47	47	48	49	49	50	51	51	52	52	53	54
29	45	45	46	46	47	48	48	49	50	50	51	52	52	53	54	54
30	45	46	46	47	47	48	49	49	50	51	51	52	53	53	54	55
31	45	46	47	47	48	48	49	50	50	51	52	52	53	54	54	55
32	46	46	47	48	48	49	50	50	51	51	52	53	53	54	55	55
33	46	47	47	48	49	49	50	51	51	52	53	53	54	55	55	56
34	46	47	48	48	49	50	50	51	52	52	53	54	54	55	56	56
35	47	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57
36	47	48	48	49	50	50	51	52	52	53	54	54	55	56	56	57
37	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57	58
38	48	48	49	50	50	51	52	52	53	54	55	55	56	57	57	58
39	48	49	49	50	51	51	52	53	54	54	55	56	56	57	58	58
40	48	49	50	50	51	52	53	53	54	55	55	56	57	57	58	59
41	49	49	50	51	51	52	53	54	54	55	56	56	57	58	59	59
42	49	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60
43	49	50	51	51	52	53	54	54	55	56	56	57	58	59	59	60
44	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60	60
45	50	51	51	52	53	54	54	55	56	57	57	58	59	59	60	61
46	50	51	52	53	53	54	55	55	56	57	58	58	59	60	61	61
47	51	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62
48	51	52	53	53	54	55	56	56	57	58	58	59	60	61	61	62
49	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62	63
50	52	53	53	54	55	56	56	57	58	59	59	60	61	62	62	63

ITEMS WITH A "NET COST" OF FROM 42½¢ TO 50¢ PER UNIT

Net cost (per unit)	42½¢	43¢	43½¢	44¢	44½¢	45¢	45½¢	46¢	46½¢	47¢	47½¢	48¢	48½¢	49¢	49½¢	50¢
Mark-up (percent)	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	45	46	46	47	47	48	48	49	49	50	50	51	51	52	52	53
7	45	46	47	47	48	48	49	49	50	50	51	51	52	52	53	54
8	46	46	47	48	48	49	49	50	50	51	51	52	52	53	53	54
9	46	47	47	48	49	49	50	50	51	51	52	52	53	53	54	55
10	47	47	48	48	49	50	50	51	51	52	52	53	53	54	54	55
11	47	48	48	49	49	50	51	51	52	52	53	53	54	54	55	56
12	48	48	49	49	50	50	51	52	52	53	53	54	54	55	55	56
13	48	49	49	50	50	51	51	52	53	53	54	54	55	55	56	57
14	48	49	50	50	51	51	52	52	53	54	54	55	55	56	56	57
15	49	49	50	51	51	52	52	53	53	54	55	55	56	56	57	58
16	49	50	50	51	52	52	53	53	54	55	55	56	56	57	57	58
17	50	50	51	51	52	53	53	54	54	55	56	56	57	57	58	59
18	50	51	51	52	53	53	54	54	55	55	56	57	57	58	58	59
19	51	51	52	52	53	54	54	55	55	56	57	57	58	58	59	60
20	51	52	52	53	53	54	55	55	56	56	57	58	58	59	59	60
21	51	52	53	53	54	54	55	56	56	57	57	58	59	59	60	61
22	52	52	53	54	54	55	56	56	57	57	58	59	59	60	60	61
23	52	53	54	54	55	55	56	57	57	58	58	59	60	60	61	62
24	53	53	54	55	55	56	56	57	58	58	59	60	60	61	61	62
25	53	54	54	55	56	56	57	58	58	59	59	60	61	61	62	63
26	54	54	55	55	56	57	57	58	59	59	60	60	61	62	62	63
27	54	55	55	56	57	57	58	58	59	60	60	61	62	62	63	64
28	54	55	56	56	57	58	58	59	60	60	61	61	62	63	63	64
29	55	55	56	57	57	58	59	59	60	61	61	62	63	63	64	65
30	55	56	57	57	58	59	59	60	60	61	62	62	63	64	64	65
31	56	56	57	58	58	59	60	60	61	62	62	63	64	64	65	66
32	56	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66
33	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67
34	57	58	58	59	60	60	61	62	62	63	64	64	65	66	66	67
35	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67	68
36	58	58	59	60	61	61	62	63	63	64	65	65	66	67	67	68
37	58	59	60	60	61	62	62	63	64	64	65	66	66	67	68	69
38	59	59	60	61	61	62	63	63	64	65	66	66	67	68	68	69
39	59	60	60	61	62	63	63	64	65	65	66	67	67	68	69	70
40	60	60	61	62	62	63	64	64	65	66	67	67	68	69	69	70
41	60	61	61	62	63	63	64	65	66	66	67	68	68	69	70	71
42	60	61	62	62	63	64	65	65	66	67	67	68	69	70	70	71
43	61	61	62	63	64	64	65	66	66	67	68	69	69	70	71	72
44	61	62	63	63	64	65	66	66	67	68	68	69	70	71	71	72
45	62	62	63	64	65	65	66	67	67	68	69	70	70	71	72	73
46	62	63	64	64	65	66	66	67	68	69	69	70	71	72	72	73
47	62	63	64	65	65	66	67	68	68	69	70	71	71	72	73	74
48	63	64	64	65	66	67	67	68	69	70	70	71	72	73	73	74
49	63	64	65	66	66	67	68	69	69	70	71	72	72	73	74	75
50	64	65	65	66	67	68	68	69	70	71	71	72	73	74	74	75

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 50½¢ TO 58¢

Net cost (per unit)	50½¢	51¢	51½¢	52¢	52½¢	53¢	53½¢	54¢	54½¢	55¢	55½¢	56¢	56½¢	57¢	57½¢	58¢
Mark-up (percent)	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	54	54	55	55	56	56	57	57	58	58	59	59	60	60	61	61
7	54	55	55	56	56	57	57	58	58	59	59	60	60	61	62	62
8	55	55	56	56	57	57	58	58	59	59	60	60	61	62	62	63
9	55	56	56	57	57	58	58	59	59	60	60	61	62	62	63	63
10	56	56	57	57	58	58	59	59	60	61	61	62	62	63	63	64
11	56	57	57	58	58	59	59	60	60	61	62	62	63	63	64	64
12	57	57	58	58	59	59	60	60	61	62	62	63	63	64	64	65
13	57	58	58	59	59	60	60	61	62	62	63	63	64	64	65	66
14	58	58	59	59	60	60	61	62	62	63	63	64	64	65	66	66
15	58	59	59	60	60	61	62	62	63	63	64	64	65	66	66	67
16	59	59	60	60	61	61	62	63	63	64	64	65	66	66	67	67
17	59	60	60	61	61	62	63	63	64	64	65	66	66	67	67	68
18	60	60	61	61	62	63	63	64	64	65	65	66	67	67	68	68
19	60	61	61	62	62	63	64	64	65	65	66	67	67	68	68	69
20	61	61	62	62	63	64	64	65	65	66	67	67	68	68	69	70
21	61	62	62	63	64	64	65	65	66	67	67	68	68	69	70	70
22	62	62	63	63	64	65	65	66	66	67	68	68	69	70	70	71
23	62	63	63	64	65	65	66	66	67	68	68	69	69	70	71	71
24	63	63	64	64	65	66	66	67	68	68	69	69	70	71	71	72
25	63	64	64	65	66	66	67	68	68	69	69	70	71	71	72	73
26	64	64	65	66	66	67	67	68	69	69	70	71	71	72	72	73
27	64	65	65	66	67	67	68	69	69	70	70	71	72	72	73	74
28	65	65	66	67	67	68	68	69	70	70	71	72	72	73	74	74
29	65	66	66	67	68	68	69	70	70	71	72	72	73	74	74	75
30	66	66	67	68	68	69	70	70	71	72	72	73	73	74	75	75
31	66	67	67	68	69	69	70	71	71	72	73	73	74	75	75	76
32	67	67	68	69	69	70	71	71	72	73	73	74	75	75	76	77
33	67	68	68	69	70	70	71	72	72	73	74	74	75	76	76	77
34	68	68	69	70	70	71	72	72	73	74	74	75	76	76	77	78
35	68	69	70	70	71	72	72	73	74	74	75	76	76	77	78	78
36	69	69	70	71	71	72	73	73	74	75	75	76	77	78	78	79
37	69	70	71	71	72	73	73	74	75	75	76	77	77	78	79	79
38	70	70	71	72	72	73	74	75	75	76	77	77	78	79	79	80
39	70	71	72	72	73	74	74	75	76	76	77	78	79	79	80	81
40	71	71	72	73	74	74	75	76	76	77	78	78	79	80	81	81
41	71	72	73	73	74	75	75	76	77	78	78	79	80	80	81	82
42	72	72	73	74	75	75	76	77	77	78	79	80	80	81	82	82
43	72	73	74	74	75	76	77	77	78	79	79	80	81	82	82	83
44	73	73	74	75	76	76	77	78	78	79	80	81	81	82	83	84
45	73	74	75	75	76	77	78	78	79	80	80	81	82	83	83	84
46	74	74	75	76	77	77	78	79	80	80	81	82	82	83	84	85
47	74	75	76	76	77	78	79	79	80	81	82	82	83	84	85	85
48	75	75	76	77	78	78	79	80	81	81	82	83	84	84	85	86
49	75	76	77	77	78	79	80	80	81	82	83	83	84	85	86	86
50	76	77	77	78	79	80	80	81	82	83	83	84	85	86	86	87

ITEMS WITH A "NET COST" OF FROM 58½¢ TO 66½¢

Net cost (per unit)	58½¢	59¢	59½¢	60¢	60½¢	61¢	61½¢	62¢	62½¢	63¢	63½¢	64¢	64½¢	65¢	65½¢	66¢	66½¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	62	63	63	64	64	65	65	66	66	67	67	68	68	69	69	70	70
7	63	63	64	64	65	65	66	66	67	67	68	68	69	70	70	71	71
8	63	64	64	65	65	66	66	67	68	68	69	69	70	70	71	71	72
9	64	64	65	65	66	66	67	68	68	69	69	70	70	71	71	72	72
10	64	65	65	66	67	67	68	68	69	69	70	70	71	72	72	73	73
11	65	65	66	67	67	68	68	69	69	70	70	71	72	72	73	73	74
12	66	66	67	67	68	68	69	69	70	71	71	72	72	73	73	74	74
13	66	67	67	68	68	69	69	70	71	71	72	72	73	73	74	75	75
14	67	67	68	68	69	70	70	71	71	72	72	73	74	74	75	75	76
15	67	68	68	69	70	70	71	71	72	72	73	74	74	75	75	76	76
16	68	68	69	70	70	71	71	72	73	73	74	74	75	75	76	77	77
17	68	69	70	70	71	71	72	73	73	74	74	75	75	76	77	77	78
18	69	70	70	71	71	72	73	73	74	74	75	76	76	77	77	78	78
19	70	70	71	71	72	73	73	74	74	75	76	76	77	77	78	79	79
20	70	71	71	72	73	73	74	74	75	76	76	77	77	78	79	79	80
21	71	71	72	73	73	74	74	75	76	76	77	77	78	79	79	80	80
22	71	72	73	73	74	74	75	76	76	77	77	78	79	79	80	81	81
23	72	73	73	74	74	75	76	76	77	77	78	79	79	80	81	81	82
24	73	73	74	74	75	76	76	77	78	78	79	79	80	81	81	82	82
25	73	74	74	75	76	76	77	78	78	79	79	80	81	81	82	83	83
26	74	74	75	76	76	77	77	78	79	79	80	81	81	82	83	83	84
27	74	75	76	76	77	77	78	79	79	80	81	81	82	83	83	84	84
28	75	76	76	77	77	78	79	79	80	81	81	82	83	83	84	84	85
29	75	76	77	77	78	79	79	80	81	81	82	83	83	84	84	85	86
30	76	77	77	78	79	79	80	81	81	82	83	83	84	85	85	86	86
31	77	77	78	79	79	80	81	81	82	83	83	84	84	85	86	86	87
32	77	78	79	79	80	81	81	82	83	83	84	84	85	86	86	87	88
33	78	78	79	80	80	81	82	82	83	84	84	85	86	86	87	88	88
34	78	79	80	80	81	82	82	83	84	84	85	86	86	87	88	88	89
35	79	80	80	81	82	82	83	84	84	85	86	86	87	88	88	89	90
36	80	80	81	82	82	83	84	84	85	86	86	87	88	88	89	90	90
37	80	81	82	82	83	84	84	85	86	86	87	88	88	89	90	90	91
38	81	81	82	83	83	84	85	86	86	87	88	88	89	90	90	91	92
39	81	82	83	83	84	85	85	86	87	88	88	89	90	90	91	92	92
40	82	83	83	84	85	86	86	87	88	88	89	90	90	91	92	92	93
41	82	83	84	85	85	86	87	87	88	89	90	90	91	92	92	93	94
42	83	84	84	85	86	87	87	88	89	89	90	91	92	92	93	94	94
43	84	84	85	86	87	87	88	89	89	90	91	92	92	93	94	94	95
44	84	85	86	86	87	88	89	89	90	91	91	92	93	94	94	95	96
45	85	86	86	87	88	88	89	90	91	91	92	93	94	94	95	96	96
46	85	86	87	88	88	89	90	91	91	92	93	93	94	95	96	96	97
47	86	87	87	88	89	90	90	91	92	93	93	94	95	96	96	97	98
48	87	87	88	89	90	90	91	92	93	93	94	95	95	96	97	98	98
49	87	88	89	89	90	91	92	92	93	94	95	95	96	97	98	98	99
50	88	89	89	90	91	92	92	93	94	95	95	96	97	98	98	99	100

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 67¢ TO 75¢

Net cost (per unit)	67¢	67½¢	68¢	68½¢	69¢	69½¢	70¢	70½¢	71¢	71½¢	72¢	72½¢	73¢	73½¢	74¢	74½¢	75¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	71	72	72	73	73	74	74	75	75	76	76	77	77	78	78	79	80
7	72	72	73	73	74	74	75	75	76	77	77	78	78	79	79	80	80
8	72	73	73	74	75	75	76	76	77	77	78	78	79	79	80	80	81
9	73	74	74	75	75	76	76	77	77	78	78	79	80	80	81	81	82
10	74	74	75	75	76	76	77	78	78	79	79	80	80	81	81	82	83
11	74	75	75	76	77	77	78	78	79	79	80	80	81	82	82	83	83
12	75	76	76	77	77	78	78	79	80	80	81	81	82	82	83	83	84
13	76	76	77	77	78	79	79	80	80	81	81	82	82	83	84	84	85
14	76	77	78	78	79	79	80	80	81	82	82	83	83	84	84	85	86
15	77	78	78	79	79	80	81	81	82	82	83	83	84	85	85	86	86
16	78	78	79	79	80	81	81	82	82	83	84	84	85	85	86	86	87
17	78	79	80	80	81	81	82	82	83	84	84	85	85	86	87	87	88
18	79	80	80	81	81	82	83	83	84	84	85	86	86	87	87	88	89
19	80	80	81	82	82	83	83	84	84	85	86	86	87	87	88	89	89
20	80	81	82	82	83	83	84	85	85	86	86	87	88	88	89	89	90
21	81	82	82	83	83	84	85	85	86	87	87	88	88	89	90	90	91
22	82	82	83	84	84	85	85	86	87	87	88	88	89	90	90	91	92
23	82	83	84	84	85	85	86	87	87	88	89	89	90	90	91	92	92
24	83	84	84	85	86	86	87	87	88	89	89	90	91	91	92	92	93
25	84	84	85	86	86	87	88	88	89	89	90	91	91	92	93	93	94
26	84	85	86	86	87	88	88	89	89	90	91	91	92	93	93	94	95
27	85	86	86	87	88	88	89	90	90	91	91	92	93	93	94	95	95
28	86	86	87	88	88	89	90	90	91	92	92	93	93	94	95	95	96
29	86	87	88	88	89	90	90	91	92	92	93	94	94	95	95	96	97
30	87	88	88	89	90	90	91	92	92	93	94	94	95	96	96	97	98
31	88	88	89	90	90	91	92	92	93	94	94	95	96	96	97	98	98
32	88	89	90	90	91	92	92	93	94	94	95	96	96	97	98	98	99
33	89	90	90	91	92	92	93	94	94	95	96	96	97	98	98	99	100
34	90	90	91	92	92	93	94	94	95	96	96	97	98	98	99	100	101
35	90	91	92	92	93	94	95	95	96	97	97	98	99	99	100	101	101
36	91	92	92	93	94	95	95	96	97	97	98	99	99	100	101	101	102
37	92	92	93	94	95	95	96	97	97	98	99	99	100	101	101	102	103
38	92	93	94	95	95	96	97	97	98	99	99	100	101	101	102	103	104
39	93	94	95	95	96	97	97	98	99	99	100	101	101	102	103	104	104
40	94	95	95	96	97	97	98	99	99	100	101	102	102	103	104	104	105
41	94	95	96	97	97	98	99	99	100	101	102	102	103	104	104	105	106
42	95	96	97	97	98	99	99	100	101	102	102	103	104	104	105	106	107
43	96	97	97	98	99	99	100	101	102	102	103	104	104	105	106	107	107
44	96	97	98	99	99	100	101	102	102	103	104	104	105	106	107	107	108
45	97	98	99	99	100	101	102	102	103	104	104	105	106	107	107	108	109
46	98	99	99	100	101	101	102	103	104	104	105	106	107	107	108	109	110
47	98	99	100	101	101	102	103	104	104	105	106	107	107	108	109	110	110
48	99	100	101	101	102	103	104	104	105	106	107	107	108	109	110	110	111
49	100	101	101	102	103	104	104	105	106	107	107	108	109	110	110	111	112
50	101	101	102	103	104	104	105	106	107	107	108	109	110	110	111	112	113

[Above portion of Table C amended by Amdt. 6]

(b) *Instructions for use of Table A, Table B, and Table C.* Tables A and B contain the mark-ups for all commodities in this regulation. Table C is included to assist you in determining ceiling prices without burdensome calculations.

Table A lists by commodity groups the "dry groceries" covered by this regulation and the mark-ups to be used by Group 1 and Group 2 retailers in figuring their ceiling prices. Table B gives the same information for "perishables." However, in addition, Table B also lists the selling units, on the basis of which retailers must figure their net costs and ceiling prices for "perishables." For a detailed list of the items in each commodity group, see "Commodity definitions of dry groceries" printed immediately after Table A, and the "Commodity definitions of perishables" printed immediately after Table B. After you have determined your "net cost" for an item in accordance with the method set up in this regulation, find your proper mark-up in the commodity group which includes the item you are pricing. Commodity groups are listed at the left of Table A and Table B. Directly opposite each commodity group you will find a percentage mark-up for your group of retailers.

If a percentage mark-up is shown, you get your ceiling price for the item by turning to Table C, which shows the ceiling price for all items with per unit net costs ranging from ½ to 75 cents. Percentage mark-ups over net cost are listed in the column at the extreme left of Table C, and "net cost" across the top of the table. "Net cost per unit" means, in the case of dry groceries, the "net cost" of a single unit (one can, one jar, etc.). For perishables, it means the "net cost" of the selling unit listed in the last column of Table B.

To determine your ceiling price from Table C, find your net cost at the top of the table. Go down that column until you come to the figure (in that column) on the same line as your mark-up. The figure at that point is your ceiling price for the item.

If your net cost per unit is more than 75 cents, you cannot use Table C to get your ceiling price. In those cases, you must (1) multiply your net cost by your percentage mark-up, (2) add the result to your net cost, and (3) round the sum to the nearest whole cent. For perishables, your net cost must be in terms of the selling unit specified in Table B.

Example. A Group 1 retailer wishes to figure a new ceiling price for "XX Brand," 11 oz. canned tomato soup, which he must put into effect by May 14, 1951, in accordance with section 3. In figuring his ceiling price, his "net cost" must be based on a purchase of a customary quantity from a customary type of supplier delivered to his "usual receiving point" by a customary means of delivery. Therefore, if prior to May 14, 1951, a Group 1 retailer's most recent purchase was five cases of XX Brand, 11 oz. canned tomato soup which he has purchased from a wholesaler (his customary type of supplier), at a delivered cost of $4.60 a case (48 cans), he must under sections 3 and 4 figure and put into effect a new ceiling price for the item by May 14, 1951. This is the most recent delivery of a customary quantity of the item he has received prior to May 14th (from his customary type of supplier delivered to his usual receiving point by a customary means of delivery). He must first figure, to the nearest half cent, his "net cost" on a single unit basis (section 4 (a) (2)), that is, for a single can. He therefore divides the cost for the case, $4.60, by the number of single units in the case, 48, and gets a result of $0.0958, before rounding. Rounding to the nearest half cent, this becomes $0.095 (if the figure had been $0.0924 before rounding, he would have rounded to $0.09). He then turns to Table A to find the markup to be applied to his net cost. Going down the column at the left of Table A he will find a listing of the commodity group which includes the item he is pricing. For canned tomato soup, this group is "soups, (canned)." Going across the page on that line, he will find his markup for the item in the column for Group 1 retailers. In this case his markup is 27 percent. Having his mark-up and net cost, Table C will give him his ceiling price without computations. Checking across the top of Table C, he finds a column headed by his net cost, $0.095. Going down this $0.095 column until he comes to the figure on the same line as the 27 percent markup listed in the column at the extreme left of Table C, he will find a ceiling price for the item to be $0.12 per can.

[Example amended by Amdt. 1]

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in

accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

By JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 51-12312; Filed, Oct. 10, 1951; 11:39 a. m.]

[Ceiling Price Regulation 22, Amdt. 30]

CPR 22—MANUFACTURERS GENERAL CEILING PRICE REGULATION

POLYVINYL CHLORIDE RESINS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 30 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment retains the General Ceiling Price Regulation level of ceiling prices for sales of polyvinyl chloride resins by manufacturers by removing these commodities from the coverage of Ceiling Price Regulation 22. Although these commodities are removed from Ceiling Price Regulation 22, the action in fact reflects the application of CPR 22 to these commodities on an industry basis.

Polyvinyl chloride resins represent an important segment of the plastic industry. In 1950 total sales of these resins amounted to $117,000,000, representing 315,000,000 pounds. Polyvinyl chloride resins have a wide variety of applications. The processes in which the resins are used are extruding, calendering, casting, molding, spraying and dipping. These resins are used in the manufacture of flexible and rigid sheeting and film, coated paper and fabric, protective coatings and various extruded and molded objects, including wire coatings. Products such as shower and window curtains, aprons, food packaging, hospital sheeting, garden hose, foul weather clothing and can coatings are among the multitude of products produced from them.

Manufacturers of polyvinyl chloride resins voluntarily submitted data showing the effect of the application of Ceiling Price Regulation 22 on their ceiling prices established under the General Ceiling Price Regulation. Throughout the base period, July 1, 1949, to September 30, 1949, which was used in the survey, the information submitted by the five manufacturers who produced these resins showed that the application to the industry as a whole of the cost increase factors permitted by CPR 22 to pre-Korean prices, as provided in that regulation, yielded ceiling price levels substantially the same as those which were established by the GCPR. Since the application of uniform industry wide cost adjustment factors results in substantially the same ceiling prices as those established under the GCPR, it has been deemed appropriate to retain polyvinyl chloride resins under the GCPR. This action also has the salutary effect of avoiding the price distortions which would have resulted from individual calculations by each producer under CPR 22.

Members of the industry were consulted and their recommendations, as well as the recommendations of the Polyvinyl Chloride Resins Industry Advisory Committee, were considered by the Director of Price Stabilization in taking this action, and the action is in accord with the recommendations made by the Industry Advisory Committee.

In the judgment of the Director of Price Stabilization, the ceiling prices established as a result of this amendment are generally fair and equitable and conform to the standards prescribed by the Defense Production Act of 1950, as amended. So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production of polyvinyl chloride resins.

AMENDATORY PROVISIONS

Paragraph (i) of Appendix A of Ceiling Price Regulation 22 is amended by adding the following new subparagraph (34) to read as follows:

(34) *Polyvinyl chloride resins.* The term means any polymer or co-polymer whose main constituent is vinyl chloride in the amount of not less than fifty percent by weight and which is a raw material intended for further processing. Polyvinyl chloride resins include the above polymers or co-polymers in the forms of resins, latices, color master batches, and compounded resins in powder, or granular forms, but do not include films, sheets, rods, tubes, plastisols or applied coatings.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This Amendment 30 to Ceiling Price Regulation 22 is effective October 15, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

OCTOBER 10, 1951.

[F. R. Doc. 51-12308; Filed, Oct. 10, 1951; 11:39 a. m.]

[Ceiling Price Regulation 22, Amdt. 31]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

TERRITORIES AND POSSESSIONS OF THE UNITED STATES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 31 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 22 amends Appendix C and sections 21 and 37 to add to the "agricultural" commodities covered by those sections the same commodities produced in the territories and possessions of the United States. This amendment will thus permit manufacturers subject to Ceiling Price Regulation 22 to calculate changes in net costs of commodities listed in Appendix C to a current date whether such commodities are produced in the United States or in the territories and possessions.

As stated in section 21, Appendix C now lists only "agricultural commodities" selling below the minimum prices required to be reflected to producers by section 402 (d) (3) of the Defense Production Act of 1950, as amended, among which is the parity price for the commodity as determined by the Secretary of Agriculture. The only commodity for which the Secretary of Agriculture determines a parity price for the territories and possessions is Puerto Rican filler tobacco, type 46.

For the purpose of permitting the reflection of changes in cost of a commodity, there appears to be no reason why a distinction in treatment should be made based on whether the commodity is produced in the United States or the territories and possessions merely because no parity price is determined for it in the territories and possessions by the Secretary of Agriculture. Moreover, this difference in treatment has created considerable difficulty among some domestic processors in calculating increases in the cost of Appendix C commodities when the commodity produced domestically is commingled with the same commodity produced in the territories or possessions for use in the manufacture of a product. For example, a candy manufacturer subject to Ceiling Price Regulation 22 who uses sugar in the manufacture of his product may pass-through increases in the cost of domestically produced sugar. However, he may not pass-through increases in the cost of Puerto Rican sugar although both are commingled and used for the same purpose.

An amendment to the General Ceiling Price Regulation is being issued simultaneously with this amendment to accomplish similar changes in the "parity" pass-through provisions of section 11 and the exemption provision of section 14 (s) (1) of that regulation.

In view of the nature of this amendment, there has been no consultation with formal industry advisory committees or trade association representatives. However, consideration has been given to information and suggestions received from persons affected by this amendment. In the judgment of the Director of Price Stabilization, the provisions of this amendment are fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22 is hereby amended in the following respects:

1. Paragraphs (a), (b), (c), (d), (e) and (f) of section 21 are amended to delete the word "agricultural" wherever it appears preceding the word "commodity" except in the second sentence in paragraph (a), and to add the words "and the same commodities produced in the territories and possessions of the United States" at the end of the second sentence

of paragraph (a), so that the aforementioned paragraphs will read as follows:

(a) *General description of this section.* You will be concerned with this section only if a manufacturing material you propose to include in your calculations of "the materials cost adjustment" is one of the commodities listed in Appendix C or a product processed therefrom. Appendix C lists certain agricultural commodities selling below the minimum prices required to be reflected to producers by section 402 (d) (3) of the Defense Production Act of 1950, as amended, and the same commodities produced in the territories and possessions of the United States. The following paragraphs of this section contain, among other things, special instructions relating to the particular dates to be used in your calculations of cost increases of these commodities.

(b) *Calculation by manufacturers of food products.* If the commodity you are pricing is a food product you may, subject to the limitations in paragraphs (d) and (g) of this section, use a current date in figuring the change in net cost per unit of any of the commodities listed in Appendix C, or of any food products processed from these listed commodities.

(c) *Calculation by manufacturers of non-food products.* (1) If the commodity you are pricing is a non-food product you may, subject to the limitations in paragraph (d) and (g) of this section, use a current date in figuring the change in net cost per unit of any of the commodities listed in Appendix C, but you must use March 15, 1951, as the date for figuring the change in net cost per unit of any products processed from those listed commodities.

(2) If the commodity you are pricing is made in whole or in substantial part from a product processed from a listed commodity, and you believe that the increase in cost to you, since March 15, 1951, of that processed product is due to an increase in the price of the listed commodity, you may apply to the Director of Price Stabilization for permission to adjust your ceiling price to reflect that increase in price. Your application must describe the commodity being priced and specify its ceiling price; and must contain a statement based upon a report from your supplier as to what portion of the increase in his price to you of that processed product is directly attributable to the increase in price of the listed commodity. If the Director of Price Stabilization is satisfied that the information submitted by you shows that only the amount of the increase in price of the listed commodity is reflected in the adjustment you seek, he will approve your application. If, however, he is not satisfied that you have made such a showing, he may withhold approval of your application and require that you furnish additional information. If thirty days after mailing your application you have not received a reply from the Director of Price Stabilization, you may sell at the adjusted ceiling price you propose until such time as you are notified otherwise by the Director.

(d) *Limitations on calculations by all manufacturers; removal from listing.* After you have made your first calculations under this section, you may become entitled to increase the ceiling price of the commodity being priced, if the cost to you of a listed commodity (or product processed therefrom) has increased. However, in any event, you may not, in figuring the change in net cost of a listed commodity (or product processed therefrom), use any date subsequent to the date of deletion of the listed commodity from Appendix C by the Director of Price Stabilization.

(e) *Definition of "food product".* The term "food product" refers to a commodity used for, or as an ingredient in, food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound; and fats and oils used for cooking purposes or in the preparation of food for immediate consumption.

(f) *Special provisions for cooperatives, producer-processors, etc.* (1) This subparagraph applies to you if you are a producer-processor, and you cannot otherwise determine your "materials cost adjustment" for a listed commodity under paragraphs (b) or (c) of this section because you do not customarily purchase any amount of that commodity from independent producers wholly unaffiliated with you. In that case, calculate your "materials cost adjustment" as follows: For purposes of paragraphs (b) and (c) of this section, use as your net cost per unit the same prices (with adjustment for differences in delivery costs) paid by your nearest competitor. That competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (baskets, tons, carloads, etc.), at firm prices for processing. However, you may not increase the ceiling price after the date set out in paragraph (d) as the final date that may be used by other processors for figuring changes in net cost. In addition, you must make the report required by paragraph (g) before increasing your ceiling price.

(2) This subparagraph applies to you if you are a processor who purchases the listed commodity under "open" price or deferred payment contracts which relate the price you pay the producer to facts unknown both at the time the raw commodity is delivered to you and at the time of sale of the processed product, and you cannot otherwise determine your "materials cost adjustment" for a listed commodity under paragraph (b) or (c) of this section because you do not customarily purchase any amount of that commodity at prices finally determined at the time of sale. In that case calculate your "materials cost adjustment" as follows: For purposes of paragraph (b) or (c) of this section, use as your net cost per unit the same prices (with adjustment for differences in delivery costs) paid by your nearest competitor. That competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (baskets, tons, carloads, etc.), at firm prices for processing. However, you may not increase the ceiling price after the date set out in paragraph (d) of this section as the final date that may be used by other processors for figuring changes in net cost. In addition, you must make the report required by paragraph (g) of this section before increasing your ceiling price.

(3) This subparagraph applies to you if you are a producer-owned cooperative processor, and you cannot otherwise determine your "materials cost adjustment" for a listed commodity under paragraph (b) or (c) of this section because you do not customarily purchase any amount of that commodity from independent producers wholly unaffiliated with you. In that case you may increase your ceiling price (as determined under the other sections of this regulation) for products processed from such commodities if the entire dollar-and-cent increase in total gross sales revenue derived from that increase in your ceiling price is passed back to producers within 30 days after the end of each normal accounting period. The amount so passed back must be in addition to the full amount you would normally have passed back to producers had you sold the processed product at the ceiling price determined under the other sections of this regulation. You may not, however, increase your ceiling price after the date set out in paragraph (d) of this section as the final date that may be used by other processors for figuring changes in net cost. In addition, you must make the report required by paragraph (g) of this section before increasing your ceiling price.

2. Paragraph (a) in section 37 is amended to read as follows:

(a) Increases in costs of agricultural commodities and the same commodities produced in the territories and possessions, or products processed therefrom in accordance with section 21 of this regulation.

3. The undesignated paragraph prior to the list of commodities in Appendix C is amended to read as follows:

With respect to the following agricultural commodities, and the following commodities produced in the territories and possessions of the United States, and products processed therefrom, a current date may be used in calculating the change in net cost to you, subject to the limitations imposed in section 21:

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 31 to Ceiling Price Regulation 22 shall become effective October 15, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

OCTOBER 10, 1951.

[F. R. Doc. 51-12315; Filed, Oct. 10, 1951; 4:00 p. m.]

[Ceiling Price Regulation 30, Amdt. 18]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

ROUNDING OF CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Or-

der 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 18 to Ceiling Price Regulation 30 (16 F. R. 4108), is hereby issued.

STATEMENT OF CONSIDERATIONS

Under section 28 of this regulation a manufacturer rounding his ceiling prices could not round upward if such rounding meant an increase of over 1 percent of the ceiling price prior to rounding. For many companies who have a large volume of business of items selling for fifty cents or less they would usually have to reduce prices below ceiling. As a consequence, a company having a considerable volume of its business in low priced units would suffer serious loss. This amendment permits a manufacturer who normally rounded to the nearest cent or fraction of a cent to continue to do so, even though the price increase resulting from rounding exceeds 1 percent. It also permits a manufacturer who normally rounds the items on a price list from which he sells at established discounts to the nearest nickel to continue to do so, even though the increase is over 1 percent. The taking of a discount by the dealer from the manufacturer's price list would result in a net price to the manufacturer which would usually be within the 1 percent limitation. Since the rounding is to the nearest cent or nickel, on an average, the level of ceiling prices would remain as computed, as upward and downward rounding would be in approximate balance.

The wide coverage of this amendment made it impossible to consult in detail with representatives of all the industries affected. However, in the preparation of this amendment conferences were held with many industry representatives and consideration was given to their recommendations.

AMENDATORY PROVISION

Ceiling Price Regulation 30, section 28, is amended so as to read as follows:

SEC. 28. *Rounding ceiling prices.* You may round your ceiling prices determined under this regulation so that they will be expressed in the nearest cents or fraction of a cent you normally employ. If you elect to do so you must similarly round the ceiling prices for all your commodities normally priced by you upon the same basis, to reflect decreases as well as increases. The increase in price due to rounding shall not be greater than 1 percent of your ceiling price prior to rounding, except in the following two instances. First, if you normally round your prices to the nearest cent or fraction of a cent, you may continue to do so, even though the increase exceeds 1 percent. Second, if you normally round to the nearest nickel the items on a price list from which you sell at established discounts, you may continue to do so even though the increase exceeds 1 percent. For example, if you normally quote to the nearest cent and your ceiling price for commodity A is $.2160, you may round that ceiling price to $.2200. However, if you round your ceiling price for commodity A and your ceiling price for commodity B is $.2730 you must round its ceiling price to $.2700. If you normally quote to the nearest nickel and your ceiling price for commodity A is $1.68, you may round that ceiling price to $1.70. However, if you round your ceiling price for commodity A and your ceiling price for commodity B is $1.47 you must round its ceiling price to $1.45.

Effective date. This amendment 18 to Ceiling Price Regulation 30 shall become effective October 15, 1951.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

MICHAEL V. DISALLE,
Director of Price Stabilization.

OCTOBER 10, 1951.

[F. R. Doc. 51-12313; Filed, Oct. 10, 1951; 4:00 p. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 5]

CPR 34—SERVICES

SR 5—WAREHOUSES LICENSED UNDER THE UNITED STATES WAREHOUSE ACT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 5 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 5 to Ceiling Price Regulation 34 establishes the maximum rates of warehouses licensed under the United States Warehouse Act, as amended, which act is under the exclusive administration of the Secretary of Agriculture.

The United States Warehouse Act, as amended, and the regulations issued thereunder, require warehousemen seeking or holding licenses under the Act to file copies of tariffs or schedules of charges for services covered by the Act, and any changes in such tariffs or schedules, with the United States Department of Agriculture, and imposes upon that Department the responsibility of determining that the charges for services covered by that Act are not unreasonable or exorbitant. Before any charge or change therein may be established, it must be held by the United States Department of Agriculture to be not unreasonable or exorbitant. Under these circumstances, it is the opinion of the Director of Price Stabilization that his responsibilities under the Defense Production Act, as amended, may be appropriately carried out by permitting the rates determined pursuant to the United States Warehouse Act to be used as ceiling rates, subject to the review and the right of the Director to disapprove such rates where he finds that they are not consistent with the purposes of the Defense Production Act, as amended.

Accordingly, this Supplementary Regulation 5 to Ceiling Price Regulation 34 establishes, subject to Office of Price Stabilization disapproval, as the ceiling prices for the services of warehouses which are performed pursuant to the United States Warehouse Act, as amended, those rates and charges which the United States Department of Agriculture has determined or will in the future determine to be not unreasonable or exorbitant.

Special circumstances have rendered impracticable consultation with formal industry advisory committees. However, informal consultations were had with representatives of cotton, grain and bean warehouses, together with representatives of the United States Department of Agriculture, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Applicability.
3. Relationship to Ceiling Price Regulation 34.
4. Establishment or adjustment of ceiling rates and charges.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *Purpose.* The purpose of this regulation is to provide a means for establishing or adjusting the ceiling rates and charges for services of warehouses which are performed pursuant to the United States Warehouse Act, as amended.

SEC. 2. *Applicability.* This supplementary regulation is applicable to you only to the extent that you perform warehouse services under license from the United States Department of Agriculture, issued pursuant to the United States Warehouse Act, as amended.

SEC. 3. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34 applicable to you, except as changed by the pricing provisions of this Supplementary Regulation 5, shall remain in full force and effect.

SEC. 4. *Establishment or adjustment of ceiling rates and charges.* If you have not heretofore established ceiling rates or charges under any regulation of the Office of Price Stabilization, or if you wish to adjust your ceiling rates or charges, you must file with the District Office of the Office of Price Stabilization for the District in which your warehouse is located a certified copy of the order of the Department of Agriculture approving such rates and charges, together with a list of the rates and charges approved. As soon as you have done this you may begin charging such rates and charges and you may continue to charge them unless and until notified by the appropriate District Director of the Office of Price Stabilization that they are disapproved. The respective District Directors are hereby delegated authority to act upon and to handle to final conclusion all filings made pursuant to the provisions of this supplementary regulation.

Effective date. This Supplementary Regulation 5 to Ceiling Price Regulation 34 shall become effective October 15, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been

approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

OCTOBER 10, 1951.

[F. R. Doc. 51-12310; Filed, Oct. 10, 1951; 11:39 a. m.]

[General Ceiling Price Regulation, Amdt. 20]

GENERAL CEILING PRICE REGULATION

"PARITY" ADJUSTMENT FOR COMMODITIES PRODUCED IN TERRITORIES AND POSSESSIONS AND FOR CEILING PRICES DETERMINED UNDER SECTIONS 4, 5, 6 OR 7

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 20 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to the General Ceiling Price Regulation has two purposes. First, it provides that the "parity" pass-through provisions in section 11 for an increase in the cost of a listed agricultural commodity (and products processed therefrom) shall apply to the same commodities produced in the territories and possessions of the United States. In addition, the exemption in section 14 (s) (1) for an agricultural commodity in its raw and natural state is made applicable to the same commodities produced in the territories and possessions. Second, it sets up a method by which a seller who determines his ceiling price under either section 4, 5, 6 or 7 may compute the amount of the "parity" pass-through increases in the cost to him of commodities on the section 11 list (and products processed therefrom).

Prior to this amendment, the "parity" pass-through provisions in section 11 and the exemption in section 14 (s) (1) applied only to "agricultural commidities." As stated in the Statement of Considerations for the General Ceiling Price Regulation issued on January 26, 1951, a commodity is an "agricultural commodity" under the General Ceiling Price Regulation only if parity prices are determined for it by the Secretary of Agriculture. The only commodity for which the Secretary of Agriculture determines a parity price for the territories and possessions is Puerto Rican filler tobacco, type 46. Thus, with this one exception, prior to this amendment neither section 11 nor section 14 (s) (1) had any application to commodities produced in the territories and possessions. For the purpose of controlling the price of a particular commodity, there appears to be no reason why a distinction in treatment should be made based on whether the commodity is produced in the territories and possessions or in the United States merely because no parity price is determined for it in the territories and possessions by the Secretary of Agriculture. Nor does there appear to be any reason why a processor or distributor of a particular commodity in the territories and possessions should be denied a pass-through while permitting it to a domestic processor or distributor using the same commodity produced in the United States. Moreover, this difference in treatment has created considerable difficulty among processors and distributors in the United States in applying the pass-through provisions to commodities which they use which are produced both in the United States and in the territories and possessions. For example, a baker in the United States may add to his ceiling price the increase in the cost to him of domestically produced sugar. However, he is unable to pass-through increases in the cost to him of Puerto Rican sugar, although both it and the domestic sugar are commingled and used in the manufacture of the same product.

This amendment places "agricultural commodities" and the same commodities produced in the territories and possessions on the same basis under the General Ceiling Price Regulation. This has been accomplished in section 11 by amending subsection (a) so that the section 11 list of commodities will consist both of "agricultural commodities", the prices of which are below the legal minima, and the same commodities produced in the territories and possessions. References to "listed agricultural commodity" in the other subsections of section 11 have been changed to "listed commodity" to conform. Section 11 (h) has been amended to provide that a commodity produced in the territories and possessions will come off the section 11 list at the same time that the same "agricultural commodity" is deleted from the list. Section 14 (s) (1), which exempts "agricultural commodities" in their raw and natural state, has been amended to include the same commodities produced in the territories and possessions.

An amendment to the Manufacturers' General Ceiling Price Regulation (Ceiling Price Regulation 22) is being issued simultaneously with this amendment to make similar changes therein in regard to the territories and possessions.

The second change accomplished by this amendment is to set up a method by which sellers who price under sections 4, 5, 6 or 7 may compute the amount of their "parity" pass-through under section 11. Sections 11 (b) and (c) now permit a seller to increase his ceiling price only by the dollar-and-cent difference between the cost to him of the most recent customary purchase of a listed commodity (or a product processed from them) and the highest price incurred or paid for a customary purchase during the General Ceiling Price Regulation base period. However, a seller who determines his ceiling price for a new commodity under either section 4, 5 or 6 or for whom the Director of Price Stabilization establishes a ceiling price under section 7 may not have made a purchase during the base period. He thus has no previous purchase to compare with the cost of a current purchase in determining the amount of the pass-through which he may add to his ceiling price. This is equally true of the new seller who prices under section 6 or 7.

This amendment, in the new section 11 (d) (2), permits a seller who determines his ceiling price under either section 4 or 5 to compute his pass-through with reference to the highest price paid for a customary purchase during the most recent five-week period in which he made a customary purchase prior to the date on which the new commodity is first offered for sale. A seller who determines his ceiling price under either section 6 or 7 may compute his pass-through with reference to a similar period prior to the date on which he mailed the report or application provided for in those sections. Such a seller who has made no customary purchase prior to that date calculates his pass-through with reference to the price paid for his first customary purchase made between the date of mailing and the date he first offers his product for immediate delivery.

In view of the nature of this amendment, there has been no consultation with formal industry advisory committees or trade association representatives. However, consideration has been given to information and suggestions received from persons affected by this amendment. In the judgment of the Director of Price Stabilization, the provisions of this amendment are fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

The General Ceiling Price Regulation is hereby amended in the following respects:

1. The last sentence in section 4 (b) is amended to read as follows: "The ceiling price so determined remains your ceiling price on all subsequent sales, except as provided in section 11 of this regulation."

2. The last sentence in section 5 (a) is amended to read as follows: "The ceiling price so determined remains your ceiling price for all subsequent sales of that commodity, except as provided in section 11 of this regulation."

3. The first sentence in the second paragraph of section 6 (a) is amended to read as follows: 'Once you have determined your ceiling prices under this section, you may not redetermine them, except as provided in section 11 of this regulation."

4. The first sentence of section 11 (a) is amended to read as follows: "This section applies to the following listed agricultural commodities, to the following listed commodities produced in the territories and possessions of the United States, and to products processed from any one or more of them."

5. The heading of the list of commodities in section 11 (a) is amended to read as follows: "Listed Commodities".

6. Section 11 (b) (1) is amended to read as follows:

(1) You sell a product which you process from one or more of the listed commodities (or from a product processed from them), and you are not, as to that processing operation, a manufacturer covered by the Manufacturers' General Ceiling Price Regulation (Ceiling Price Regulation 22), and

7. The first paragraph of section 11 (b) (2) is amended to read as follows:

(2) The cost to you of a current customary purchase of the listed commodity (or the product processed therefrom) exceeds the highest price you incurred or paid during the base period. In such case you may increase the ceiling price, as determined under section 3 of this regulation, for your product by the dollar-and-cent difference per unit between the highest price incurred or paid by you for a customary purchase during the base period and the cost to you of the most recent customary purchase. (If the ceiling price was determined under either section 4, 6, or 7 of this regulation, you figure your increase under paragraph (d) (2) below).

8. The first sentence in the example in section 11 (b) (2) is amended by deleting the word "agricultural".

9. Section 11 (b) (3) (i) (2) is amended by deleting the word "agricultural".

10. Section 11 (b) (3) (ii) (1) and (2) is amended by deleting the word "agricultural".

11. Section 11 (b) (3) (iii) is amended by deleting the word "agricultural".

12. Section 11 (c) (1) is amended by deleting the word "agricultural".

13. The second paragraph of section 11 (c) (2) is amended to read as follows:

In such case you may increase your ceiling price, as determined under section 3 of this regulation, for the commodity or product by the dollar-and-cent difference per unit between the highest price incurred or paid by you for a customary purchase during the base period and the cost to you of the most recent customary purchase. (If your ceiling price was determined under either section 5, 6 or 7 of this regulation, you figure your increase under paragraph (d) (2) below.)

14. Section 11 (d) is amended to read as follows:

(d) *Method for computing "parity" adjustments where no customary purchase was made during the base period or where a ceiling price was determined under sections 4, 5, 6 or 7.* (1) If you cannot figure your increase under paragraphs (b) and (c) above because you made no customary purchase during the base period, then the highest price you paid or incurred during the most recent five-week period prior to the base period in which you made a customary purchase shall be your highest price within the meaning of section 11 (b) (2) and 11 (c) (2).

(2) If your ceiling price was determined under either section 4, 5, 6 or 7, then the highest price you paid or incurred during the most recent five-week period prior to the "date of calculation" (as defined below) of your ceiling price in which you made a customary purchase shall be your highest price within the meaning of section 11 (b) (2) and 11 (c) (2).

If your ceiling price was determined under section 6 or section 7, and you made no customary purchase prior to the "date of calculation", the price you paid or incurred for your first customary purchase made between the "date of calculation" and the date you first offered your product for immediate delivery shall be your highest price within the meaning of section 11 (b) (2) and 11 (c) (2).

If your ceiling price is determined under either section 4 or 5, the "date of calculation" of your ceiling price is the date upon which you first offer the commodity or product for delivery. If your ceiling price is determined under either section 6 or 7, the "date of calculation" of your ceiling price is the date upon which you mail the report or application provided for in those sections.

15. Section 11 (f) (1) (ii) is amended to read as follows:

(ii) The highest price you paid or incurred for a customary purchase (or, if applicable, the commodity exchange quotation) of the commodity during the base period or during the periods provided for in subparagraph (d) above; or, if you have previously increased your price, then the price upon which you based your existing ceiling price;

16. Sections 11 (f) (2) (ii) and (iii) are amended by deleting the word "agricultural".

17. Section 11 (h) is amended to read as follows:

(h) *Effect of removal from list of commodities.* This section shall cease to apply to a listed agricultural commodity if, after consultation with the Secretary of Agriculture, the Director of Price Stabilization determines that the requirements of the Defense Production Act of 1950, as amended, are satisfied as to such commodity, and, at such time, this section shall also cease to apply to the same listed commodity produced in the territories and possessions of the United States. The ceiling price for the seller of any product processed from any such commodity shall thereafter be determined under the provisions of this regulation, except that, if such ceiling price is determined under section 3, the "base period" shall be the most recent five-week period preceding the date the Director of Price Stabilization deletes the commodity from the list. Such ceiling prices shall become effective on the date determined by the Director.

Notwithstanding anything contained in this subparagraph (h) to the contrary, the ceiling price for fluid milk, which is sold and bought pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, or any marketing agreement, license or order, or provision thereof or amendment thereto, shall be no less than the price determined pursuant to that Act, and, for purposes of such sales and purchases only, fluid milk shall be deemed to remain on the list of commodities.

18. Section 14 (s) (1) is amended to read as follows:

(1) (i) The following commodities only when sold by the producers thereof: eggs, dry edible beans and peas, and popcorn.

(ii) In addition, any other agricultural commodity in its raw or natural state, or if the commodity is not customarily sold by producers generally in its raw or natural state, in the first form or state beyond the raw or natural state in which it is customarily sold by producers generally.

(iii) The exemption established in (i) and (ii) above shall apply to the same commodities produced in the territories and possessions of the United States.

(iv) The exemption established by this subparagraph (1) in (i), (ii) and (iii) shall not apply to sales, other than by producers, of any agricultural commodity (or the same commodity produced in the territories and possessions of the United States), not now listed in section 11 (a) or hereafter deleted from the section 11 (a) list. The ceiling price for sales, other than by producers, of any commodity hereafter deleted from the section 11 (a) list shall, after such deletion, be determined under the provisions of this regulation, except that, if such ceiling price is determined under section 3, the "base period" shall be the most recent five-week period preceding the date the Director of Price Stabilization deleted the commodity from the list. Such ceiling prices shall become effective on the date determined by the Director.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective October 15, 1951.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

OCTOBER 10, 1951.

[F. R. Doc. 51-12314; Filed, Oct. 10, 1951; 4:00 p. m.]

[General Overriding Regulation 9, Amdt. 7]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

TEMPORARY SUSPENSION OF APPLICATION OF CEILING PRICE REGULATIONS TO SALES OF CERTAIN NEW SHIPS BY SHIPBUILDERS AND TO REPAIR AND CONVERSION OF SHIPS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 7 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATION

Shipbuilders are now required to price their products under Ceiling Price Regulation 30 or the General Ceiling Price Regulation if they have not elected to use the former regulation. They have represented to the Director that the exigencies of their industry are such that they cannot price ships under Ceiling Price Regulation 30 for several reasons. They state that ships are not standard items and that the ceiling price calculations under CPR 30 must be tremendously complex; that there are constant changes made during the course of con-

struction of the ship requiring recalculation. Furthermore, the technique of the General Ceiling Price Regulation, freezing prices established during a base period, is stated to be wholly unsuitable to the industry.

The Director is aware of the problems of the industry and has undertaken a study of its requirements for the purpose of issuing a Ceiling Price Regulation tailored to its needs. However, the Director is concerned lest anything interfere with the construction and procurement of certain ships during the time necessary to assemble the required information and draft such a regulation. The defense program requires that there be no impediment to the building of ships required to carry needed cargo.

Pending the time that a tailored regulation suitable for this industry can be issued, it has therefore been determined to suspend the application of ceiling price regulations to sales or deliveries by the builder of certain new ships for sixty days after the effective date of this amendment, or such earlier date as may be specified by any regulation issued by the Office of Price Stabilization. Such suspension will also cover repair and conversion of certain ships.

Before the issuance of this amendment consultation was had with various representatives of the shipbuilding industry and due consideration was given to their recommendations.

AMENDATORY PROVISIONS

Section 2 (b) of General Overriding Regulation 9 is amended by the addition of the following:

(4) *Ships.* Sales or deliveries, by the builder, of any new ship, barge, canal boat, lighter or tug, more than 65 feet in length, whether propelled by sail or motor power or towed by other craft, for sixty days after the effective date of this amendment, or such earlier date as may be specified by amendment, regulation or issued by the Office of Price Stabilization.

(5) *Repair or conversion of ships.* Repair or conversion of any ship, barge, canal boat, lighter or tug, more than 65 feet in length, whether propelled by sail or motor power or towed by other craft, for sixty days after the effective date of this amendment, or such earlier date as may be specified by amendment, regulation or order issued by the Office of Price Stabilization.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective October 15, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

OCTOBER 10, 1951.

[F. R. Doc. 51-12309; Filed, Oct. 10, 1951; 11:39 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter B—Wage Stabilization Board

[General Wage Regulation 16A]

GWR 16A—EXEMPTION FOR PANAMA CANAL ZONE

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), this General Wage Regulation No. 16A is hereby issued.

STATEMENT OF CONSIDERATIONS

All persons employed in the Panama Canal Zone are either government personnel or employed on governmental projects. The only two employers in the Panama Canal Zone are the Panama Canal Government and the Panama Canal Company, a wholly owned subsidiary of the United States Government. A majority of their employees are "local rate" employees whose wages are administratively fixed according to rates prevailing in the Republic of Panama and the Caribbean area generally. The prevailing rates of these employees are substantially below the rates paid for comparable employment in the United States.

There are no business enterprises in the Panama Canal Zone which produce goods for local consumption or for export to the continental United States. Consequently, upward wage movements in the Panama Canal Zone cannot affect the cost of living in the Canal Zone or in the continental United States. Since February 23, 1951, the Panama Canal Zone has been exempted from price control by the Office of Price Stabilization because of the non-private character of employment in this area.

In the unanimous judgment of the Wage Stabilization Board, under present circumstances, continued application of wage stabilization regulations to employees in the Panama Canal Zone is unnecessary to effectuate the purposes of the Defense Production Act of 1950, as amended. This regulation is issued to exempt those employees from wage stabilization controls. Due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

SECTION 1. *Exemption of the Panama Canal Zone.* The wages, salaries and other compensation of employees in the Panama Canal Zone are exempted from wage stabilization regulations.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interprets or applies E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950, E. O. 10233, Apr. 21, 1951, 16 F. R. 3503.)

Adopted unanimously by the Board October 5, 1951.

NATHAN P. FEINSINGER,
Chairman.

[F. R. Doc. 51-12297; Filed, Oct. 10, 1951; 11:05 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Reg. 5 as Amended Oct. 11, 1951]

REG. 5—APPEALS

This regulation as amended is found necessary and appropriate to promote the national defense and is issued under the authority granted by section 101 of the Defense Production Act of 1950, as amended. Consultation with industry representatives in advance of the issuance of this regulation as amended has been rendered impracticable by the fact that the regulation applies to all trades and industries.

NPA Reg. 5, as last amended August 29, 1951, is hereby amended in the following respects: In paragraph (c) of section 2, and again in paragraph (b) of section 4, the date August 29, 1951, is substituted for the expression "the effective date of this regulation, as amended;" the word "three" is deleted from the first sentence of section 3; and paragraph (b) of section 5 is amended to provide for decisions by a majority of the Appeals Board members who hear, or consider (in the absence of hearings) the appeal. As so amended, NPA Reg. 5 reads as follows:

Sec.
1. What this regulation covers.
2. Grounds for appeal.
3. NPA Appeals Board.
4. Rules for filing appeals.
5. Decisions.
6. Procedures of the NPA Appeals Board.
7. Hearings by the NPA Appeals Board.
8. Presentation of case at a hearing.
9. Interested parties.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this regulation covers.* This regulation specifies the "appeals" procedure of the National Production Authority and the operations of the NPA Appeals Board. It does not apply to appeals from suspension orders issued, or other action taken in connection with compliance proceedings.

SEC. 2. *Grounds for appeal.* Orders and regulations issued by NPA provide for applications for adjustment or exception. Such an application is granted or denied on the decision of the NPA official administering the particular order or regulation.

(a) Any person who has filed an application for adjustment or exception requesting relief from a provision of an order or regulation issued by NPA, and any person who has applied to NPA for

a CMP allotment or an allocation authorization pursuant to an order or regulation issued by NPA and who has thereafter filed an application for adjustment or exception requesting relief from the action taken on his application for a CMP allotment or an allocation authorization, may appeal to the NPA Appeals Board from the decision on his application for adjustment or exception, upon the ground that such decision:

(1) Works an exceptional and unreasonable hardship on him which is not suffered generally by others in the same trade or industry, or in the same relative position; or

(2) Results in unreasonable discrimination against him; or

(3) Is not in the public interest or the interest of the national defense.

(b) If a person has new and substantial facts to submit which were not included in his application for adjustment or exception, he should not file an appeal to the NPA Appeals Board, but first should apply to the NPA official administering the applicable order or regulation for reconsideration of his application for adjustment or exception upon the basis of these new facts. Then, if the reconsideration does not result in a decision satisfactory to him, he may file an appeal on the grounds stated in paragraph (a) of this section.

(c) An application for reconsideration may not be made more than 30 days after the date of the NPA decision with respect to the application for adjustment or exception except that, in the case of a decision made before August 29, 1951, with respect to an application for adjustment or exception requesting relief from the action taken on an application for a CMP allotment or an allocation authorization, such application for reconsideration may be filed within 30 days after August 29, 1951.

(d) As used in this regulation, "CMP allotment" means an authorized production schedule and a related allotment of controlled materials or an authorized construction schedule and a related allotment of controlled materials; and "allocation authorization" means an authorization to deliver, accept delivery of, or use, a specified quantity of a particular material.

SEC. 3. *NPA Appeals Board.* The NPA Appeals Board is established as an impartial body consisting of officials of the NPA. It acts as the final agency authority in considering appeals permitted under section 2 of this regulation.

SEC. 4. *Rules for filing appeals*—(a) *Form of appeal.* An appeal is instituted by the filing of four copies of a written notice, the original of which will be signed by the appellant or his authorized representative, setting forth:

(1) The name, address, and business of the appellant.

(2) The nature of the NPA action appealed from, including, but not limited to, its date, case number, and the order or regulation under which it was taken.

(3) The grounds of appeal.

(4) A copy of the documents evidencing the NPA action from which the appeal is taken.

(5) If the appellant requests a hearing, the notice of appeal should so state.

(b) *Filing of appeal.* (1) The notice of appeal shall be filed with the Secretary of the NPA Appeals Board, Office of the Administrator, National Production Authority, Washington 25, D. C. A notice of appeal shall be considered filed when it is delivered to the office of the Secretary.

(2) A notice of appeal may not be filed more than 45 days after the date of the NPA decision with respect to the application for adjustment or exception except that, in the case of an appeal from an NPA decision made before August 29, 1951, on an application for adjustment or exception requesting relief from the action taken on an application for a CMP allotment or an allocation authorization, the notice of appeal may be filed within 45 days after August 29, 1951.

(c) *Additional data.* The NPA Appeals Board may request the filing of additional data whenever it considers it necessary.

SEC. 5. *Decisions.* (a) In any case in which the NPA Appeals Board determines that relief is justified, it will grant appropriate relief to the extent permitted by the availability of materials.

(b) The decision of the NPA Appeals Board shall be made by a majority vote of the members who hear the appeal; or if there is no hearing, by a majority of the members who consider the appeal. In the event of a tie vote, the appeal shall be considered to be denied.

(c) The decision of the NPA Appeals Board shall be final. Decisions may be reconsidered in the discretion of the Board.

(d) The NPA Appeals Board shall not be required to furnish written opinions.

(e) Every party to an appeal shall be notified in writing of the decision of the NPA Appeals Board.

SEC. 6. *Procedures of the NPA Appeals Board.* The Board will issue and publish rules of procedure from time to time.

SEC. 7. *Hearings by the NPA Appeals Board.* In its discretion, the NPA Appeals Board may hold a hearing on any appeal, either upon its own initiative, or upon request by the appellant. The appellant's case is not prejudiced by the fact that he does not request a hearing. Hearings by the Board shall be public unless otherwise ordered by the Board. If a hearing is to be held, the NPA Appeals Board will fix the date, time, and place, and will notify the appellant thereof.

SEC. 8. *Presentation of case at a hearing.* The NPA Appeals Board is not a judicial body. Hearings before the Board are informal. It is not required that the appellant be represented by counsel, but he may be if he desires. If he is represented by counsel but is not present at the hearing, the appellant must notify the NPA Appeals Board in writing that he has authorized counsel to represent him at the hearing and has furnished counsel with the information necessary for presenting the appellant's case. Any misrepresentation of fact, or any withholding of fact, is punishable under the applicable Federal statutes.

SEC. 9. *Interested parties.* In the discretion of the NPA Appeals Board, interested persons or Government agencies, offices, or departments, may intervene as parties to an appeal, to the extent determined by the Board.

This regulation, as amended, shall take effect on October 11, 1951.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51-12299; Filed, Oct. 10, 1951; 11:18 a. m.]

[NPA Order M-11, Direction 1, Revocation]

M-11—COPPER AND COPPER-BASE ALLOYS

DIR. 1—PROCEDURE FOR DISTRIBUTORS TO OBTAIN BRASS MILL PRODUCTS AND COPPER WIRE MILL PRODUCTS

Direction 1 to NPA Order M-11 is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under Direction 1 to NPA Order M-11, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation, except as such direction is limited by NPA Order M-82 and NPA Order M-86.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This revocation is effective October 10, 1951.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51-12298; Filed, Oct. 10, 1951; 11:18 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 959]

IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

NOTICE OF PROPOSED BUDGET OF EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget of expenses and rate of assessment hereinafter set forth, which were recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 959.204 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 59, as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and amended order, during the fiscal year ending June 30, 1952 will amount to $13,500.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-fourth of one cent ($0.0025) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year;

(c) Notwithstanding the approval of the aforesaid expenses, none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supplementary order, directive, or regulation pursuant thereto; and

(d) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 5th day of October 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-12217; Filed, Oct. 10, 1951; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

MODIFICATION OF AIR-NAVIGATION SITE WITHDRAWAL NO. 195

OCTOBER 3, 1951.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to section 2.22 (a) (2), of Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Air Navigation Site Withdrawal No. 195, dated November 30, 1942 (F. R. Doc. 47-701) is hereby modified by deleting therefrom the next to last paragraph and inserting in lieu thereof, the following:

It is intended that the land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 51-12186; Filed, Oct. 10, 1951; 8:45 a. m.]

ALASKA

MODIFICATION OF AIR-NAVIGATION SITE WITHDRAWAL NO. 197

OCTOBER 3, 1951.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to section 2.22 (a) (2), of Delegation Order No. 427, of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Air Navigation Site Withdrawal No. 197, dated November 30, 1942 (F. R. Doc. 47-703) is hereby modified by deleting therefrom the next to last paragraph and inserting in lieu thereof the following:

It is intended that the land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 51-12184; Filed, Oct. 10, 1951; 8:45 a. m.]

ALASKA

MODIFICATION OF AIR-NAVIGATION SITE WITHDRAWAL NO. 201

OCTOBER 3, 1951.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to section 2.22 (a) (2) of Delegation Order No. 427, of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Air Navigation Site Withdrawal No. 201 dated April 8, 1943 (F. R. Doc. 47-704) is hereby modified by deleting therefrom the next to last paragraph and inserting in lieu there of the following:

It is intended that the land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 51-12185; Filed, Oct. 10, 1951; 8:45 a. m.]

[Misc. 52367, 1511956]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM KENDRICK PROJECT

OCTOBER 5, 1951.

An order of the Bureau of Reclamation dated April 26, 1949, concurred in by the Associate Director, Bureau of Land Management, October 14, 1949, and an order of the Bureau of Reclamation dated May 4, 1950, concurred in July 20, 1950, revoked the Departmental orders of October 6 and 13, 1933 and September 6, 1934 so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described lands in connection with the Kendrick Project, Wyoming, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

SIXTH PRINCIPAL MERIDIAN

T. 33 N., R. 80 W.,
Sec. 15, SW¼NE¼, S½NW¼, NW¼SE¼.
T. 34 N., R. 80 W.,
Sec. 5, lots 2, 3 and 4;
Sec. 6, lots 1 and 2;
Sec. 7, NE¼.

T. 35 N., R. 80 W.,
Sec. 32, SW¼NE¼, SW¼, W½SE¼.
T. 31 N., R. 81 W.,
Sec. 30, SW¼SE¼;
Sec. 32, W½NE¼.
T. 32 N., R. 81 W.,
Sec. 4, N½SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, NW¼SW¼;
Sec. 18, NW¼NE¼.
T. 33 N., R. 81 W.,
Sec. 9, SE¼SW¼;
Sec. 15, SW¼SW¼;
Sec. 18, SE¼NW¼, SW¼NE¼, E½SE¼;
Sec. 19, lot 1;
Sec. 27, N½NE¼, SW¼NE¼.
T. 34 N., R. 81 W.,
Sec. 23, W½NE¼;
Sec. 33, N½SE¼.
T. 35 N., R. 81 W.,
Sec. 29, N½NW¼, S½NW¼;
Sec. 30, S½NE¼, SE¼.
T. 30 N., R. 82 W.,
Sec. 3, SE¼SE¼;
Sec. 8, E½NE¼;
Sec. 9, NW¼NW¼, S½SW¼;
Sec. 18, NE¼NE¼.
T. 31 N., R. 82 W.,
Sec. 10, SE¼SW¼, SE¼;
Sec. 11, NW¼SW¼, SE¼NE¼, NW¼, NE¼SW¼;
Sec. 14, SE¼NE¼, W½NE¼, NE¼SW¼, SE¼SW¼, W½SE¼;
Sec. 15, NE¼, I ½NW¼;
Sec. 21, SE¼NE¼;
Sec. 22, NW¼;
Sec. 23, W½NE¼, E½W½, SW¼SE¼;
Sec. 34, SW¼NW¼.
T. 32 N., R. 82 W.,
Sec. 1, S½SW¼;
Sec. 2, SE¼SW¼, S½SE¼;
Sec. 11, NE¼NW¼, NW¼NE¼;
Sec. 12, NW¼NE¼, NE¼NW¼, W½SW¼, SE¼SW¼;
Sec. 13, NW¼NE¼, NE¼NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 14, E½NE¼;
Sec. 24, S½SW¼, SW¼SE¼;
Sec. 25, NW¼SE¼.
T. 33 N., R. 82 W.,
Sec. 11, W½SW¼;
Sec. 13, N½NE¼;
Sec. 24, SW¼NW¼;
Sec. 25, SE¼SE¼.

The above areas aggregate 5,077.99 acres.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The following-described lands were designated as subject to the act of August 11, 1916 (39 Stat. 506; 43 U. S. C. 621 et seq.) as amended by section 3 of the act of May 15, 1922 (42 Stat. 541; 12 U. S. C. 773) by section 18 of a contract dated August 3, 1935, between the United States of America and the Casper Alcova Irrigation District, and any disposal of such lands authorized by the public-land laws will be subject to any lien for assessments under said contract:

T. 33 N., R. 80 W.,
Sec. 15, SW¼NE¼, S½NW¼, and NW¼SW¼.
T. 34 N., R. 80 W.,
Sec. 5, lot 2;
Sec. 6, lots 1 and 2;
Sec. 7, NE¼.
T. 35 N., R. 80 W.,
Sec. 32, SW¼NE¼, SW¼, and W½SE¼.
T. 32 N., R. 81 W.,
Sec. 4, N½SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, NW¼SW¼;
Sec. 18, NW¼NE¼.
T. 33 N., R. 81 W.,
Sec. 9, SE¼SW¼;
Sec. 18, SW¼NE¼, SE¼NW¼;
Sec. 19, NW¼NW¼ (lot 1);
Sec. 27, N½NE¼, SW¼NE¼.
T. 34 N., R. 81 W.,
Sec. 23, W½NE¼.
T. 35 N., R. 81 W.,
Sec. 29, NW¼;
Sec. 30, S½NE¼ and SE¼.
T. 30 N., R. 82 W.,
Sec. 9, NW¼NW¼, SE¼SW¼;
Sec. 18, NE¼NE¼.
T. 31 N., R. 82 W.,
Sec. 11, NW¼SW¼, NW¼;
Sec. 14, W½NE¼, SE¼NE¼, NE¼SW¼, W½SE¼;
Sec. 21, SE¼NE¼;
Sec. 22, S½NW¼;
Sec. 23, W½NE¼, E½SW¼, and SW¼SE¼;
Sec. 24, SW¼NW¼.
T. 32 N., R. 82 W.,
Sec. 1, S½SW¼;
Sec. 2, SE¼SW¼;
Sec. 11, NW¼NE¼, NE¼NW¼;
Sec. 12, NW¼NE¼;
Sec. 13, NW¼SE¼, NE¼SW¼;
Sec. 24, S½SW¼, SW¼SE¼.
T. 33 N., R. 82 W.,
Sec. 11, W½SW¼;
Sec. 13, N½NE¼;
Sec. 24, SW¼NW¼.

The following-described lands are included in a Federal land exchange program, and have been classified as suitable for exchange purposes only:

T. 34 N., R. 80 W.,
Sec. 5, lot 2.
T. 35 N., R. 80 W.,
Sec. 32, W½SE¼.
T. 33 N., R. 81 W.,
Sec. 18, SE¼NW¼, SW¼NE¼.
T. 34 N., R. 31 W.,
Sec. 23, W½NE¼;
Sec. 33, N½SE¼.
T. 31 N., R. 82 W.,
Sec. 14, NE¼SW¼, W½SE¼;
Sec. 23, W½NE¼.
T. 33 N., R. 82 W.,
Sec. 11, W½SW¼;
Sec. 13, N½NE¼.

All of the lands last above described except the N½SE¼ sec. 33, T. 34 N., R. 81 W., are included in Casper-Alcova Irrigation District contract.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Cheyenne, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Cheyenne, Wyoming.

MARION CLAWSON,
Director.

[F. R. Doc. 51–12187; Filed, Oct. 10, 1951; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Alcorn Manufacturing Co., Rienzi, Miss., effective 9–24–51 to 9–23–52; 10 percent of the productive factory workers (sport shirts).

Arthurdale Shirt Co., Inc., Arthurdale, W. Va., effective 9–27–51 to 9–26–52; 10 percent of the productive factory workers for normal labor turnover (wool and wool gabardine shirts).

Blue Bell-Midsouth Division, Inc., Ripley, Miss., effective 9–25–51 to 9–24–52; 10 percent of the productive factory workers for normal labor turnover (work shirts).

Cardinal Cottons, Corp., Coatesville, Pa., effective 9–25–51 to 9–24–52; 10 percent of the productive factory workers for normal labor turnover (women's cotton dresses).

Congress Sportswear Company, 831 Middle Street, Bath, Maine, effective 10–13–51 to 10–12–52; 10 percent of the productive factory force for normal labor turnover (shirts and jackets).

Cooper Sportswear Manufacturing Co., 133 Monroe Street, Newark, N. J., effective 9–25–51 to 9–24–52; 10 percent of the productive factory force for normal labor turnover (men's and boys' leather, woolen and poplin jackets).

Glen of Michigan, Inc., 77 Hancock Street, Manistee, Mich., effective 9–24–51 to 2–27–52; for normal labor turnover, 10 percent of the productive factory force. This certificate does not authorize the employment of learners at subminimum wage rates in the manufacture of skirts, belts, caps or bags (women's apparel) (replacement certificate).

Greensboro Manufacturing Co., 308 Walker Avenue, Greensboro, N. C., effective 9–25–51 to 9–24–52; 10 percent of the productive factory force for normal labor turnover (flannelette and cotton sleeping garments).

Jimy Manufacturing Co., Dias Creek, N. J., effective 10–16–51 to 10–15–52; five learners (dresses).

Joyner-Fields, Inc., Sherman, Miss, effective 9–26–51 to 3–25–52; 50 learners may be employed for expansion purposes (boys' shirts and pants).

The Juvenile Manufacturing Co., Inc., 327 North Flores Street, San Antonio, Tex., effective 10–6–51 to 10–5–52; 10 percent of the productive factory force for normal labor turnover (children's clothing).

Louise Manufacturing Co., Llewellyn, Pa., effective 10–16–51 to 10–15–52; for normal labor turnover, five learners (dresses).

Marion Manufacturing Co., Marion, S. C., effective 9–25–51 to 9–24–52; for normal labor turnover, 10 percent of the productive factory force (ladies' cotton house dresses).

Mode O'Day Corp., Plant No. 3, 59 South First West, Logan, Utah, effective 9–21–51 to 3–20–52; 40 learners may be employed for expansion purposes (women's house dresses).

Nannette Manufacturing Co., Inc., Liberty Street, Glassboro, N. J., effective 10–13–51 to 10–12–52; 10 percent of the productive factory force (infants' and toddlers' dresses).

Nannette Manufacturing Co., Inc., 314 North Twelfth Street, Allentown, Pa., effective 10–13–51 to 10–12–52; 10 percent of the productive factory force for normal labor turnover (toddlers' dresses).

Northern Garment Manufacturing Co., 500 State Street, Onaway, Mich., effective 9–21–51 to 9–9–52; six learners (men's and boys' garments) (replacement certificate).

Opp Textile Corp., Opp, Ala., effective 9–21–51 to 3–20–52; 30 learners may be employed for expansion purposes (8-ounce herringbone twill jackets).

Perfect Brassiere Co., Inc., 521 East Fourth Street, Bethlehem, Pa., effective 9–25–51 to 9–24–52; 10 percent of the productive factory force for normal labor turnover (brassieres and bandeaus).

Stage Frocks, Inc., 1702 Pittston Avenue, Scranton 5, Pa., effective 9–24–51 to 9–23–52; five learners (ladies' dresses).

Tennessee Overall Co., 401 Atlantic Street, Tullahoma, Tenn., effective 10–2–51 to 10–1–52; for normal labor turnover, 10 learners (pants, overalls, coveralls and work shirts).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Liberty Hosiery Mills, Inc., Gibsonville, N. C., effective 9–21–51 to 9–20–52; 5 percent of the total number of productive factory workers.

Liberty Hosiery Mills, Inc., Liberty, N. C., effective 9–20–51 to 9–19–52; 5 percent of the total number of productive factory workers.

Liberty Hosiery Mills, Inc., Liberty, N. C., effective 9–20–51 to 3–19–52; 50 additional learners for expansion purposes only (supplemental certificate).

Wee-Sox Hosiery Mills, Inc., Randleman, N. C., effective 9–24–51 to 9–23–52; 5 percent of the total number of productive factory workers.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Escanaba Glove Co., Escanaba, Mich., effective 9–20–51 to 9–19–52; five learners.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Bristol Knitting Mills, Inc., 951 Broadway, Fall River, Mass., effective 9–28–51 to 9–27–52; 5 percent of the total number of productive factory workers.

F. R. Knitting Mills, Inc., 69 Alden Street, Fall River, Mass., effective 9–27–51 to 9–26–52; 5 percent of the total number of productive factory workers.

Hemlock Manufacturing Co., Inc., Granite Falls, N. C., effective 9–24–51 to 9–23–52; four learners.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Dean W. Davis & Co., Kentland, Ind., effective 9–17–51 to 3–16–52; 10 percent of the total number of productive factory workers; coil winding, adjusting, soldering, machine operating; 480 hours; 65 cents per hour for first 320 hours and 70 cents per hour for remaining 160 hours (coil winding).

The United States Time Corp., Little Rock, Ark., effective 9–20–51 to 3–19–52; 10 percent of the total number of productive factory workers; hairspring truers, 480 hours; general watch assembling, 480 hours; power press and secondary press machine operators, 200 hours; subassembly operations, 240 hours (subassembly operations include; put-together; attachment for ratchet wheel and bridge; attachment of crown stem and drive canon pinion; assembly of crown and stem with retaining spring and screws; oiling of studs and escapement teeth; oiling of gear train and impulse pin; back light inspecting); 60 cents per hour for first 160 hours, 65 cents per hour for second 160 hours, and 70 cents per hour for third 160 hours for the stated learning periods (watches).

The United States Time Corp., Little Rock, Ark., effective 9–20–51 to 3–19–52; 25 additional learners for expansion purposes only; hairspring truers, 480 hours; general watch assembling, 480 hours; power press and secondary press machine operators, 200 hours; subassembly operations, 240 hours (subassembly operations include: put-together; attachment for ratchet wheel and bridge; attachment of crown stem and drive canon pinion; assembly of crown and stem with retaining spring and screws; oiling of studs and escapement teeth; oiling of gear train and impulse pin; back light inspecting); 60 cents per hours for the first 160 hours; 65 cents per hour for second 160 hours and 70 cents per hour for third 160 hours for the stated learning periods (watches) (supplemental certificate).

The United States Time Corp., 709 North Second Street, Abilene, Tex., effective 9–20–51 to 3–19–52; 10 percent of the total number of productive factory workers; hairspring truers, 480 hours; general watch assembling, 480 hours; power press and secondary press machine operators, 200 hours; subassembly operations, 240 hours; (subassembly operations include: put-together; attachment for ratchet wheel and bridge; attachment of crown stem and drive canon pinion; assembly of crown and stem with retaining spring and screws; oiling of gear train and impulse pin; back light inspecting); 60 cents per hour for the first 160 hours, 65 cents per hour for second 160 hours and 70 cents per hour for third 160 hours for the stated learning periods (watches).

The United States Time Corp., 709 North Second Street, Abilene, Tex., effective 9–20–51 to 3–19–52; 25 additional learners for expansion purposes only; hairspring truers, 480 hours; general watch assembling, 480 hours; power press and secondary press machine operators, 200 hours; subassembly operations, 240 hours; (subassembly operations include: put-together; attachment for ratchet wheel and bridge; attachment of crown stem and drive canon pinion; assembly of crown and stem with retaining spring and screws; oiling of studs and escapement teeth; oiling of gear train and impulse pin; back light inspecting); 60 cents per hour for first 160 hours; 65 cents per hour for second 160 hours; and 70 cents per hour for third 160 hours for the stated learning periods (watches) (supplemental certificate).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Moran Shoe Co., Ninth and Railroad Streets, Carlyle, Ill., effective 9–24–51 to 9–23–52; 10 percent of the number of productive factory workers.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Puerto Rican Textiles Ltd., Ponce, P. R., effective 9–14–51 to 12–13–51; 10 learners; pinning and printing; 180 hours at 24 cents per hour (textiles).

Jem Manufacturing Co., Bayamon, P. R., effective 6–4–51 to 12–3–51; 80 learners; sewing machine operation; first 240 hours at 25 cents per hour, second 80 hours at 27 cents per hour, third 80 hours at 29 cents per hour (brassieres) (replacement certificate).

Jem Manufacturing Co., Santurce, P. R., effective 6–4–51 to 12–3–51; 80 learners; sewing machine operation; first 240 hours at 25 cents per hour, second 80 hours at 27 cents per hour, third 80 hours at 29 cents per hour (brassieres) (replacement certificates).

Pan American Crafts, San Juan, P. R., effective 6–4–51 to 12–3–51; 80 learners; sewing machine operation; first 240 hours at 25 cents per hour, second 80 hours at 27 cents per hour, third 80 hours at 29 cents per hour (brassieres) (replacement certificate).

Paula Shoe Company, Inc., Ponce, P. R., effective 9–10–51 to 3–9–52; 97 learners; cutting, stock fitting, handsewing, stitching, making, finishing, repairing and inspecting, hand lasting; 480 hours each; 22½ cents per hour each (shoes).

Shawy Handbag Co. of Puerto Rico, Inc., Caguas, P. R., effective 9–20–51 to 12–3–51; 10 learners; machine operators, 160 hours at 25 cents per hour; corde handbags, 160 hours at 29 cents per hour (corde handbags) (replacement certificate).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 25th day of September 1951.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 51–12222; Filed, Oct. 10, 1951; 8:51 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 11, Amdt. 2]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO GRANT RELIEF IN CERTAIN CASES UNDER SECTION 9 OF DISTRIBUTION REGULATION 1

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), this amendment to Delegation of Authority 11 is hereby issued.

Delegation of Authority 11 is amended by adding the following to section 1:

(f) To grant relief, pursuant to section 9 of Distribution Regulation 1, in the form of temporary registration pending further study of the case, to an applicant for registration as a Class 2 slaughterer under section 4 of Distribution Regulation 1.

This amendment shall be effective October 11, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

OCTOBER 10, 1951.

[F. R. Doc. 51–12311; Filed, Oct. 10, 1951; 11:39 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–1708, G–1740, G–1746]

EL PASO NATURAL GAS CO. AND MISSISSIPPI POWER AND LIGHT CO.

NOTICE OF FINDINGS AND ORDERS

OCTOBER 5, 1951.

Notice is hereby given that, on October 3, 1951, the Federal Power Commission issued its findings and orders entered October 2, 1951, issuing certificates of public convenience and necessity, in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–12192; Filed, Oct. 10, 1951; 8:47 a. m.]

[Docket No. G–1732]

MANUFACTURERS LIGHT AND HEAT COMPANY ET AL.

NOTICE OF FINDINGS AND ORDER

OCTOBER 5, 1951.

In the matter of The Manufacturers Light and Heat Company, Cumberland and Allegheny Gas Company, Home Gas Company; Docket No. G–1732.

Notice is hereby given that, on October 4, 1951, the Federal Power Commission issued its order, entered October 3, 1951, issuing certificates of public convenience and necessity and permitting and approving abandonment, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–12194; Filed, Oct. 10, 1951; 8:47 a. m.]

[Docket No. G–1755]

MISSISSIPPI RIVER FUEL CORP.

ORDER FIXING DATE OF HEARING

On July 31, 1951, Mississippi River Fuel Corporation (Applicant), a Delaware corporation of St. Louis, Missouri, filed an application, and later filed supplements thereto, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a 12-inch diameter natural-gas transmission pipe line, approximately 13 miles in length, extending from a point on Applicant's California Company-Woodlawn pipe line near Bellevue, Louisiana, southwardly to the Barksdale Gunnery and Bombing Range, Sligo Field, Bossier Parish, Louisiana, as more fully described in the supplemented application on file with the Commission and open to public inspection.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 7, 1951 (16 F. R. 9100).

(2) It is reasonable and good cause exists for setting this proceeding for hearing as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 16, 1951, at 9:30 a. m., e. s. t. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the aforesaid supplemented application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: October 5, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–12190; Filed, Oct. 10, 1951; 8:46 a. m.]

[Docket No. G–1806]

ATLANTIC SEABOARD CORP. AND VIRGINIA GAS TRANSMISSION CORP.

ORDER SUSPENDING PROPOSED TARIFFS

On September 7, 1951, Atlantic Seaboard Corporation (Atlantic Seaboard) filed its FPC Gas Tariff, Fourth Revised Volume No. 1, and Virginia Gas Transmission Corporation (Virginia Gas) filed its FPC Gas Tariff, Second Revised Volume No. 1, each of which is proposed

to supersede the presently effective tariff of the filing company.

Atlantic Seaboard and Virginia Gas own and operate an integrated interstate natural-gas transmission system extending from Boldman, Kentucky, to a point on the Maryland-Pennsylvania state line. Atlantic Seaboard owns and operates that part of the system which is located in the States of Kentucky, West Virginia, and Maryland. Virginia Gas owns and operates that part of the system which is located in the State of Virginia. Atlantic Seaboard is the parent company of Virginia Gas, and both are parts of the Columbia Gas System, Inc.

The rates and charges of Atlantic Seaboard and Virginia Gas are currently under investigation by this Commission in a proceeding at Docket No. G–1384. Hearings in such matter have been concluded, but a decision has not yet been rendered. Atlantic Seaboard's Rate Schedule CDS–1, which had been suspended insofar as it applies to sales to the Washington Gas Light Company and The Manufacturers Light and Heat Company, upon motion of Atlantic Seaboard, was allowed to take effect as of September 1, 1951, conditioned upon the filing of a bond satisfactory to the Commission guaranteeing such refunds as may be subsequently ordered.

The proposed revised tariffs, as filed on September 7, 1951, would result in an estimated increase of $3,036,976 in the presently effective rates and charges, approximately 15.3 percent, based on estimated sales for the twelve-month period ending June 30, 1952.

In support of the proposed increased rates and charges, Atlantic Seaboard and Virginia Gas rely primarily upon the proposal of United Fuel Gas Company (United Fuel), their affiliated supplier, to increase the rates and charges for gas supplied to the integrated system. Such proposed increased rates and charges of United Fuel were suspended by order of the Commission issued September 4, 1951, at Docket No. G–1781. As stated in such order, United Fuel averred that its rate increase "is necessitated by the impact upon its purchased gas cost of increased rate filed by United Fuel's supplier, Tennessee Gas Transmission Company." However, such increased rates of Tennessee Gas Transmission Company have also been suspended by order of the Commission issued July 13, 1951, at Docket No. G–1741.

The increased rates and charges provided in said proposed tariffs as filed on September 7, 1951, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

Atlantic Seaboard and Virginia Gas have requested that the notice requirements be waived and that said proposed tariffs be allowed to take effect as of July 16, 1951. Unless such requests can be and are granted, the proposed tariffs will become effective as of October 7, 1951, if not suspended by order of the Commission pursuant to the provisions of the Natural Gas Act and the regulations thereunder.

As required by § 154.16 of the Commission's regulations under the Natural Gas Act, a copy of Atlantic Seaboard's FPC Gas Tariff, Fourth Revised Volume No. 1, and Virginia Gas' FPC Gas Tariff, Second Revised Volume No. 1, has been sent to each customer which would be affected thereby, and also to various state, county, and municipal authorities. The Public Utilities Commission of the District of Columbia, the County Board of Arlington County, Virginia, and all but one of the non-affiliated customers of Atlantic Seaboard and Virginia Gas oppose the proposed increased rates and charges and suggest that the operation thereof be suspended. The other non-affiliated customer, Lynchburg Gas Company, and the Public Service Commission of Maryland advise that they are not in a position to comment fully on the proposed rates and charges, but do desire to participate in any proceedings that may be initiated with respect thereto.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Atlantic Seaboard's FPC Gas Tariff, Fourth Revised Volume No. 1, and Virginia Gas' FPC Gas Tariff, Second Revised Volume No. 1, and that said tariffs and the rate schedules therein contained be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) The requests of Atlantic Seaboard and Virginia Gas that the notice requirements be waived and that said proposed tariffs, as filed on September 7, 1951, be allowed to take effect as of July 16, 1951, be and they are hereby denied.

(B) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, and classifications contained in the aforesaid Atlantic Seaboard FPC Gas Tariff, Fourth Revised Volume No. 1, and Virginia Gas FPC Gas Tariff, Second Revised Volume No. 1.

(C) Pending such hearing and decision thereon, said Atlantic Seaboard FPC Gas Tariff, Fourth Revised Volume No. 1, and Virginia Gas FPC Gas Tariff, Second Revised Volume No. 1, be and the same hereby are suspended and the use thereof is deferred until March 7, 1952, and until such further time thereafter as said proposed tariffs may be made effective in the manner prescribed by the Natural Gas Act.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: October 5, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–12216; Filed, Oct. 10, 1951; 8:50 a. m.]

[Docket No. IT–5500]

CHICAGO DISTRICT ELECTRIC GENERATING CORP.

NOTICE OF ORDER MODIFYING ORDER AND GRANTING PETITION

OCTOBER 5, 1951.

Notice is hereby given that, on October 8, 1951, the Federal Power Commission issued its order, entered October 2, 1951, granting petition for revision of annual depreciation rate and modifying order of July 16, 1951, in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–12193; Filed, Oct. 10, 1951; 8:47 a. m.]

[Project No. 2019]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE (MAJOR)

OCTOBER 5, 1951.

Public notice is hereby given that Pacific Gas and Electric Company, of San Francisco, California, licensee for major Project No. 2019, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of license for the project to include a dam with appurtenant works across Highland Creek and the Spicers Meadows Reservoir created by the dam, located in Tuolumne and Alpine Counties, California, and affecting lands of the United States within Stanislaus National Forest. The dam, which is constructed, is about 54 feet high above bedrock and about 365 feet long. The applicant intends ultimately to raise it to a height of about 82 feet above bedrock, at which height (elevation 6,447 feet) it would have a crest length of about 470 feet and would provide about 9,000 acre feet of storage.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before November 19, 1951, to the Federal Power Commission, Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–12191; Filed, Oct. 10, 1951; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO APPLICATION OF CONSOLIDATED GAS UTILITIES CORP. FOR AUTHORITY TO ABANDON AND REMOVE CERTAIN NATURAL GAS FACILITIES

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administra-

tive Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government and to appear as witnesses and counsel for the executive agencies of the Federal Government in the matter of Consolidated Gas Utilities Corporation, application for a certificate of public convenience and necessity, filed September 10, 1951, Federal Power Commission Docket No. G-1789, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of October 1, 1951.

Dated: October 5, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-12230; Filed, Oct. 10, 1951; 8:52 a. m.]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO APPLICATION OF ARKANSAS-LOUISIANA GAS COMPANY FOR AN INCREASED RATE FOR SERVICE TO LARGE INDUSTRIAL CUSTOMERS

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of the application of the Arkansas-Louisiana Gas Company for an increased rate for service to large industrial customers before the Arkansas Public Service Commission, Docket No. U-443, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of October 1, 1951.

Dated: October 5, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-12231; Filed, Oct. 10, 1951; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26448]

SUPERPHOSPHATE FROM ATLAS, MO., AND TULSA, OKLA., TO SCOTTSBLUFF, NEBR.

APPLICATION FOR RELIEF

OCTOBER 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3908 and 3919.

Commodities involved: Superphosphate (acid phosphate), carloads.

From: Atlas, Mo., and Tulsa, Okla.

To: Scottsbluff, Nebr.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3908, Supp. 72; D. Q. Marsh's tariff I. C. C. No. 3919, Supp. 59.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-12173; Filed, Oct. 9, 1951; 8:48 a. m.]

[4th Sec. Application 26449]

CIGARETTES AND TOBACCO FROM VIRGINIA TO POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

OCTOBER 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-823 and Agent R. B. LeGrande's tariff I. C. C. No. 240.

Commodities involved: Cigarettes and tobacco, carloads.

From: Richmond and Petersburg, Va.

To: Cincinnati, Ohio, Homestead and Pittsburgh, Pa., Lexington and Louisville, Ky., and Youngstown, Ohio.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-823, Supp. 259; R. B. LeGrande's tariff I. C. C. No. A-240, Supp. 180; R. B. LeGrande's tariff I. C. C. No. A-240, Supp. 181.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-12174; Filed, Oct. 9, 1951; 8:48 a. m.]

[4th Sec. Application 26450]

LOGS FROM MURPHY, N. C., TO JACKSON, TENN.

APPLICATION FOR RELIEF

OCTOBER 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Louisville and Nashville Railroad Company and other carriers.

Commodities involved: Logs, native wood, carloads.

From: Murphy, N. C.

To: Jackson, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 728, Supp. 226.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed

within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-12175; Filed, Oct. 9, 1951; 8:48 a. m.]

[4th Sec. Application 26451]

FOREIGN WOODS FROM LACOOCHEE, FLA., TO POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

OCTOBER 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariffs I. C. C. Nos. 696 and 1214.

Commodities involved: Lumber, logs, and flitches, of mahogany and Philippine woods, built-up woods, and veneer, carloads.

From: Lacoochee, Fla.

To: Points in official territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1214, Supp. 27; C. A. Spaninger's tariff I. C. C. No. 696, Supp. 194.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-12206; Filed, Oct. 10, 1951; 8:49 a. m.]

[4th Sec. Application 26452]

PULPWOOD FROM FLORIDA POINTS TO PANAMA CITY, FLA.

APPLICATION FOR RELIEF

OCTOBER 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atlantic Coast Line Railroad Company, for itself and Atlanta & Saint Andrews Bay Railway Company.

Commodities involved: Pulpwood, carloads.

From: Points in Florida.

To: Panama City, Fla.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates; ACL RR. tariff I. C. C. No. B-3281, Supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-12207; Filed, Oct. 10, 1951; 8:50 a. m.]

[4th Sec. Application 26453]

FURNACE SLAG FROM TENNESSEE TO DENVER, COLO.

APPLICATION FOR RELIEF

OCTOBER 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172.

Commodities involved: Furnace slag (other than ground open-hearth basic slag or basic phosphate slag), carloads.

From: Siglo and Mount Pleasant, Tenn.

To: Denver, Colo.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1172, Supp. 64.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-12208; Filed, Oct. 10, 1951; 8:50 a. m.]

[4th Sec. Application 26454]

MOLASSES FROM MOBILE, ALA., GULFPORT, MISS., AND NEW ORLEANS, LA., TO CHICAGO, ILL.

APPLICATION FOR RELIEF

OCTOBER 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 395.

Commodities involved: Blackstrap molasses and distillery molasses residuum, carloads.

From: Gulfport, Miss., Mobile, Ala., New Orleans, La., and other points in Louisiana.

To: Chicago, Ill.

Grounds for relief: Competition with water carriers, market competition, and to maintain port relations.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 395, Supp. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-12209; Filed, Oct. 10, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2704]

ALABAMA GAS CORP.

NOTICE OF FILING REGARDING ISSUANCE OF BONDS

Notice is hereby given that Alabama Gas Corporation ("Alabama"), a gas utility subsidiary of Southern Natural Gas Company, a registered holding company, has filed an application with this Commission under the Public Utility Holding Company Act of 1935 ("act") and has designated section 6 (b) thereof and Rule U-50 (a) (4) promulgated thereunder as being applicable to the proposed transactions.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Alabama proposes to issue and sell $1,000,000 principal amount of its First Mortgage Bonds, due April 1, 1971, 3⅝ percent, Series B at 100 percent of the principal amount to the following purchasers in the principal amounts indicated:

Purchaser	Principal amount
Liberty National Life Insurance Co., of Birmingham, Ala	$300,000
Protective Insurance Co. of Birmingham, Ala	200,000
The First National Bank of Birmingham	500,000

The filing states that the proceeds from the sale of such bonds will be used to reimburse the company's treasury for expenditures previously made for the construction of additions and betterments to its properties.

The filing contains a copy of an order of the Alabama Public Service Commission approving the proposed transaction.

The applicant states that no fees, commissions or other remunerations are to be paid in connection with the issuance of the bonds and estimates its expenses at approximately $6,500, including legal fees and accounting fees of $2,000.

Notice is further given that any interested person may, not later than October 15, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application, as filed or as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 15, 1951, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-12201; Filed, Oct. 10, 1951; 8:48 a. m.]

[File No. 70-2713]

WEST TEXAS UTILITIES CO.

NOTICE OF FILING REGARDING ISSUANCE OF BONDS

Notice is hereby given that West Texas Utilities Company ("West Texas"), an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission under the Public Utility Holding Company Act of 1935 ("act") and has designated section 7 and rule U-50 thereof as being applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

West Texas proposes to issue and sell, at competitive bidding pursuant to Rule U-50, $8,000,000 principal amount of its First Mortgage Bonds, Series C, -- percent, to be dated November 1, 1951, to mature November 1, 1981, and to be issued under and secured by an Indenture of Mortgage dated August 1, 1943, between the Company and Harris Trust and Savings Bank and Harold Eckhart, as Trustees, as amended by the Supplemental Indenture dated March 1, 1948, and by a proposed Second Supplemental Indenture to be dated November 1, 1951, and to be executed by the Company to said Trustees.

The net proceeds (exclusive of accrued interest) to be received by the Company from the sale of the $8,000,000 of Series C Bonds proposed to be issued will be used to retire $1,200,000 principal amount of outstanding short-term notes payable to banks representing temporary borrowings for construction purposes and to pay a part of the Company's construction program.

The Company has requested that the ten day publication period for inviting bids for the securities to be issued, specified in Rule U-50, be shortened to a period of not less than six days. It is stated that prospective groups of bidders for the Bonds to be issued will be kept adequately informed with respect to the proposed issue of the Bonds and the date or dates thereof through the usual channels of such information.

Notice is further given that any interested person may, not later than October 17, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said declaration, as filed or as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 17, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-12198; Filed, Oct. 10, 1951; 8:48 a. m.]

[File No. 811-138]

UNITED STATES ELECTRIC LIGHT & POWER SHARES, INC., TRUST CERTIFICATES, SERIES B

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of October A. D. 1951.

Notice is hereby given that United States Electric Light & Power Shares, Inc., Trust Certificates, Series B, a registered investment company, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that United States Electric Light & Power Shares, Inc., Trust Certificates, Series B, has ceased to be an investment company within the meaning of the act.

It appears from the application that pursuant to the provisions of the Agreement of Trust, between United States Electric Light & Power Shares, Inc., as Depositor, and Central Hanover Bank and Trust Company, as Trustee, dated February 1, 1930, under which the Applicant was created, said Agreement of Trust was terminated on January 31, 1950. As of January 31, 1950, there were outstanding 552,000 trust shares held by 5,749 persons of record on the books of the Trustee and the assets of the Applicant consisted of cash and securities. Upon termination of the Agreement of Trust, the Trustee proceeded to sell all securities held by it and proceeded to distribute the proceeds of such sale, together with the cash assets of the Applicant, pro rata to the holders of outstanding trust certificates. In connection with the termination of the Agreement of Trust and the distribution of the properties held by the Trustee, under date of February 15, 1950, the Trustee notified each trust certificate holder of the termination of the Agreement of Trust and advised them to surrender their certificates in order to receive the proportionate share of the proceeds of the trust. As of November 27, 1950, $1,488,181.31 of such proceeds had been distributed in cash and there remained in the hands of the Trustee $253,709.89 to make final payment at $3.1556 a share to holders of 80,396 trust shares who had not yet received their pro rata share of such proceeds. The Trustee acknowledges that it holds all of the proceeds in trust for certificate holders, their heirs and assigns. The Trust Agreement contains no specific provision as to the disposition of unclaimed funds.

All interested persons are referred to said application which is on file at the Washington, D. C., offices of this Commission for a more detailed statement

of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after October 26, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than October 23, 1951, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-12195; Filed, Oct. 10, 1951; 8:47 a. m.]

[File No. 811-155]

NATION-WIDE SECURITIES CO. TRUST CERTIFICATES SERIES A

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of October A. D. 1951.

Notice is hereby given that Nation-Wide Securities Company Trust Certificates Series A, a registered investment company, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that Nation-Wide Securities Company Trust Certificates Series A has ceased to be an investment company within the meaning of the act.

It appears from the application that pursuant to the provisions of the Agreement of Trust, between Nation-Wide Securities Company, as Depositor, and Colorado National Bank, as Trustee, dated December 22, 1924, under which the Applicant was created, said Agreement of Trust was terminated on December 29, 1944. As of December 29, 1944, there were outstanding 10,000 trust shares issued in bearer form and the assets of the applicant consisted of cash and securities. Upon termination of the Agreement of Trust, the Trustee proceeded to sell all securities held by it and proceeded to distribute the proceeds of such sale, together with the cash assets of the Applicant pro rata to the holders of outstanding trust certificates. In connection with the termination of the Agreement of Trust and the distribution of the properties held by the Trustee, notices and other communications were published or forwarded to each holder of securities of the Applicant. As of November 27, 1950, certificates for 10,000 trust shares had been surrendered to the Trustee and the Trustee had distributed to certificate holders all of the funds with the exception of $17.55, held in trust by the Trustee for the pro rata benefit of the holders of 345 trust shares to whom checks for final distribution at the rate of $0.045 a share had been mailed but had been returned as undeliverable.

All interested persons are referred to said application which is on file at the Washington, D. C., offices of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after October 22, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than October 19, 1951, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-12196; Filed, Oct. 10, 1951; 8:47 a. m.]

[File No. 811-156]

NATION-WIDE SECURITIES CO. TRUST CERTIFICATES SERIES B

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of October A. D. 1951.

Notice is hereby given that Nation-Wide Securities Company Trust Certificates Series B, a registered investment company, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that Nation-Wide Securities Company Trust Certificates Series B has ceased to be an investment company within the meaning of the act.

It appears from the application that pursuant to the provisions of the Agreement of Trust, between Nation-Wide Securities Company, as Depositor, and Central Hanover Bank and Trust Company, as Trustee, dated April 23, 1930, under which the Applicant was created, said Agreement of Trust was terminated on May 1, 1950. As of May 1, 1950, there were outstanding 222,000 trust shares held by 2,196 persons of record on the books of the Trustee and the assets of the Applicant consisted of cash and securities. Upon termination of the Agreement of Trust, the Trustee proceeded to sell all securities held by it and proceeded to distribute the proceeds of such sale, together with the cash assets of the Applicant, pro rata to the holders of outstanding trust certificates. In connection with the termination of the Agreement of Trust and the distribution of the properties held by the Trustee, notices and other communications were published or forwarded to each holder of securities of the Applicant. As of November 27, 1950, $1,142,991.71 of such proceeds had been distributed in cash and there remained in the hands of the Trustee $86,799.49 to make final payment at $5.5396 a share to holders of 15,668 trust shares who had not yet received their pro rata share of such proceeds. The Trustee acknowledges that it holds all of the proceeds in trust for certificate holders, their heirs and assigns. The Trust Agreement contains no specific provision as to the disposition of unclaimed funds.

All interested persons are referred to said application which is on file at the Washington, D. C., offices of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after October 22, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than October 19, 1951, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-12197; Filed, Oct. 10, 1951; 8:47 a. m.]

[File No. 31-580]

KANSAS CITY POWER & LIGHT CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION AND NOTICE OF AND ORDER FOR HEARING

OCTOBER 5, 1951.

Notice is hereby given that Kansas City Power & Light Company ("Kansas City"), a public utility company not

presently subject to the Public Utility Holding Company Act of 1935 ("act"), has filed with this Commission an application pursuant to section 3 (a) (2) of the act and Rule U-2 of the rules and regulations promulgated thereunder, requesting that the Commission issue an order providing that upon the acquisition by Kansas City of 10 percent or more of the common stock of Eastern Kansas Utilities Company ("Eastern Kansas"), an electric utility subsidiary of Investment Bond and Share Corporation, a registered holding company, Kansas City will be exempt as a holding company from any or all of the provisions of the act.

All interested persons are referred to said application which is on file in the offices of this Commission and which is summarized as follows:

Kansas City, a Missouri corporation, is an electric utility company as defined by section 2 (a) (3) of the act. Its principal office is located in Kansas City, Missouri. The company is engaged principally in the generation, transmission, distribution and sale of electric energy and to a lesser extent in the distribution and sale of natural gas, heat and water. Electric energy is distributed in an area in the States of Missouri and Kansas which includes Kansas City, Missouri, and portions of the surrounding territory, and in northern Iowa, principally in Mason City. Natural gas is distributed only in the company's Iowa service territory. Steam heating service is furnished in downtown Kansas City, Missouri. Water is sold in one small municipality in Missouri and in two small municipalities in Kansas. As of June 30, 1951, gross utility plant was carried on its books at $154,624,773, and net plant at $121,342,691. For the twelve months' period ended June 30, 1951, the company had gross revenues of $33,653,386, of which $30,661,731 was derived from electric sales, including $780,283 of electric revenues from sales of electric energy to Eastern Kansas. Net income for the same period was $4,717,753.

Eastern Kansas, a Kansas corporation, is an electric utility company as defined by section 2 (a) (3) of the act. It is engaged in the purchase, transmission, distribution and sale of electric energy. Its principal office is located in Fort Scott, Kansas. The company served an average of 13,640 electric customers during 1950. The territory served by Eastern Kansas lies directly south of and adjoins that of Kansas City from which it purchases substantially all of its electric energy requirements. Within its service area are 34 communities, 26 of which are served at retail while the remaining 8 are served at wholesale. In addition, the company serves four communities just across the state line in Missouri, the property for this service being leased from Missouri Utilities Company, a non-affiliate. Directly south of its service territory in Kansas is the property of Kansas Gas and Electric Company with which the company has a standby agreement for electric service. For the twelve months period ended June 30, 1951, Eastern Kansas had gross revenues of $1,447,703 and net income of $112,011. As of June 30, 1951, Eastern Kansas' gross plant was stated on its books at $4,606,484, and net plant was stated at $3,679,310.

Investment Bond and Share Corporation is the record holder of 15,299 shares of the outstanding 126,933 shares of common stock of Eastern Kansas.

Pursuant to a contract dated May 1, 1951, and as amended on June 13, 1951, August 30, 1951, and September 28, 1951, between Kansas City and Edwin J. Smail, John F. Baker and William J. Walsh, representatives of certain holders of common stock of Eastern Kansas, Kansas City proposes, subject to approval of the Federal Power Commission and the issuance of an order by this Commission herein, to make an offer to all holders of the common stock of Eastern Kansas to purchase all shares of such stock validly tendered within 45 days of the mailing of notice of the offer, provided that at least two-thirds of the outstanding shares of such common stock (84,623 shares) are so tendered. Smail, Baker and Walsh have agreed to tender all stock of Eastern Kansas subject to their control in respect of which there are no undetermined questions regarding the title thereto.

The agreement contemplates that Kansas City will use Harris Trust and Savings Bank of Chicago, Illinois, as a depository for tendered stock and that the purchase price to be paid will be equal to the book value of the stock at the close of business September 30, 1951, less any dividends paid or payable to the tendering stockholder after commencement of the offering. The book value of the common stock of Eastern Kansas was $17.67 per share as of February 28, 1951, and reflects utility plant at original cost.

The agreement further provides that if two-thirds of the outstanding common stock of Eastern Kansas is tendered and purchased by Kansas City, Kansas City will promptly take steps for the acquisition of the properties of Eastern Kansas either by causing Eastern Kansas to sell its properties to Kansas City and then to liquidate, or by merger of Eastern Kansas into Kansas City, or through other appropriate means. Before Kansas City acquires the properties of Eastern Kansas the Commission will be advised of the exact procedure proposed to be followed.

As soon as practicable after Kansas City acquires the property and assets of Eastern Kansas, the southern portion of the property will be sold to Kansas Gas and Electric Company, a non-affiliated neighboring electric utility, pursuant to an agreement between that company and Kansas City. The amount to be paid by Kansas Gas and Electric Company upon such acquisition and the method by which the purchase price is to be arrived at are set forth in such agreement.

The proceeds to be received by Kansas City upon the sale of the southern portion of the property will be deposited with the Trustee under the mortgage on the properties of Eastern Kansas and will be subject to withdrawal and other disposition in accordance with the terms and provisions of that mortgage. If the outstanding bonds of Eastern Kansas are not paid off or exchanged for Kansas City bonds, they will be assumed by Kansas City. It is understood that all Eastern Kansas bonds are owned by one institutional investor.

The application recites that if the proposed transactions are effectuated Kansas City is and will at all times continue to be predominantly a public utility company whose operations as such do not extend beyond the state of Missouri, in which it is organized, and states contiguous thereto, Kansas and Iowa.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application and that said application shall not be granted except pursuant to further order of the Commission:

It is ordered, That a hearing with respect to said application, pursuant to the applicable provisions of the act and rules and regulations promulgated thereunder, be held on October 19, 1951, at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding should file with the Secretary of the Commission, on or before October 17, 1951, a written request with respect thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the said application and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice however, to the specification of additional matters or questions upon further examination:

(1) Whether the application meets the requirements of section 3 (a) (2) of the act, and particularly, whether Kansas City, upon acquisition of 10 percent or more of the voting securities of Eastern Kansas will be predominantly a public utility company whose operations as such do not extend beyond the State in which it is organized and doing business and States contiguous thereto.

(2) Whether, in the event Kansas City will be "predominantly a public utility company" within the meaning of section 3 (a) (2) of the act, the granting of the requested exemption to Kansas City from any or all of the provisions of the act would be detrimental to the public interest or the interest of investors or consumers.

(3) Generally, whether the application meets the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Kansas City and Eastern Kansas, the Federal Power Commission, the Kansas Corporation Commission, The Public Service Commission of the State of Missouri, the Iowa Executive Council, and to all other interested persons by a general release of this Commission which shall be distributed to the press and mailed to all persons on the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by the publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-12205; Filed, Oct. 10, 1951; 8:49 a. m.]

[File No. 70-2688]

CENTRAL PUBLIC UTILITY CORP. ET AL.

NOTICE OF PROPOSED RECAPITALIZATION OF WHOLLY-OWNED NON-UTILITY SUBSIDIARY AND EXCHANGE OF SUBSIDIARY'S OUTSTANDING CAPITAL STOCKS FOR NEW COMMON STOCK

OCTOBER 5, 1951.

In the matter of Central Public Utility Corporation, Consolidated Electric and Gas Company, Carolina Coach Company; File No. 70-2688.

Notice is hereby given that a joint application-declaration and an amendment thereto have been filed with this Commission by Central Public Utility Corporation ("Central Public"), a registered holding company, Consolidated Electric and Gas Company ("Consolidated"), a registered holding company and a wholly owned subsidiary of Central Public, and Carolina Coach Company ("Carolina"), a wholly owned non-utility subsidiary of Consolidated. Applicants-declarants have designated sections 6, 7, 9, 10 and 12 of the act and Rules U-42 and U-43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than October 20, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 20, 1951, said amended application-declaration, as filed or as it may be further amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said amended application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, and which are summarized as follows:

Carolina proposes to amend its Articles of Incorporation and thereafter to issue to Consolidated 15,800 shares of new Common Stock of the par value of $50 per share in exchange for all of Carolina's outstanding capital stocks consisting of 8,300 shares of $7 Preferred Stock, no par value, 2,500 shares of Class "A" Common Stock, no par value, and 5,000 shares of Class "B" Common Stock, no par value. Carolina will cancel and retire the securities received by it in the exchange. The stated value of the existing preferred and common stocks, which is unsegregated, amounts to $716,569. The aggregate par value of the new Common Stock to be issued is $790,000. The difference between the stated value of the existing stocks and the par value of the new Common Stock, namely $73,431, will be transferred from earned surplus to common capital stock account, leaving a balance in the earned surplus account of $2,215,244 as at June 30, 1951.

The proposed issuance of new Common Stock by Carolina has been approved by the Interstate Commerce Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-12204; Filed, Oct. 10, 1951; 8:49 a. m.]

[File No. 70-2697]

NIAGARA MOHAWK POWER CORP.

ORDER GRANTING AUTHORITY TO SELL UTILITY ASSETS

OCTOBER 5, 1951.

Niagara Mohawk Power Corporation ("Niagara Mohawk"), a subsidiary of The United Corporation, a registered holding company, having filed a declaration, and an amendment thereto, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 promulgated thereunder with respect to the following proposed transaction:

Niagara Mohawk proposes to sell to Republic Steel Corporation its Troy Coke Oven Gas Plant and certain related equipment, located in the City of Troy, New York, for the sum of $425,000. Niagara Mohawk states that since it will in the near future be able to serve with natural gas those areas in its Eastern Division now served with gas manufactured at its Troy Coke Oven Gas Plant, it will no longer be necessary or desirable or economically sound for it to continue to own or to operate said plant.

It is represented that no State Commission or any other Federal Commission has jurisdiction over the proposed transaction as such except that the Public Service Commission of the State of New York has jurisdiction in connection with the accounting entries to be made upon the books of Niagara Mohawk to reflect the transaction. It is further represented that expenses of Niagara Mohawk to be incurred in connection with the transaction will not exceed $1,500. The declarant requests that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-12203; Filed, Oct. 10, 1951; 8:49 a. m.]

[File No. 70-2700]

COLUMBIA GAS SYSTEM, INC.

ORDER AUTHORIZING A CASH CONTRIBUTION TO SUBSIDIARY COMPANY BY PARENT COMPANY

OCTOBER 5, 1951.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, having filed a declaration, and an amendment thereto, pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 promulgated thereunder with respect to the following proposed transactions:

Columbia proposes, prior to December 31, 1951, to make a cash capital contribution of not to exceed $200,000 to Binghamton Gas Works ("Binghamton"), a wholly owned subsidiary of Columbia. Columbia proposes to debit its investment in the common stock of Binghamton and Binghamton will credit its paid-in surplus with the amount of the capital contribution. Columbia states that such funds are required to finance Binghamton's 1951 construction program.

It is represented that no State Commission or any other Federal Commission has jurisdiction over the proposed transactions. The declarant requests that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act,

that said declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-12200; Filed, Oct. 10, 1951; 8:48 a. m.]

[File No. 70-2701]

COLUMBIA GAS SYSTEM, INC.

ORDER AUTHORIZING A CASH CAPITAL CONTRIBUTION TO SUBSIDIARY COMPANY BY PARENT COMPANY

OCTOBER 5, 1951.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, having filed a declaration, and an amendment thereto, pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 promulgated thereunder with respect to the following proposed transactions:

Columbia proposes, prior to December 31, 1951, to make a cash capital contribution of not to exceed $350,000 to Home Gas Company ("Home"), a wholly owned subsidiary of Columbia. Columbia proposes to increase its investment in the common stock of Home by $350,000 and Home will credit a like amount to its capital surplus. Columbia states that such funds are required to finance Home's 1951 construction program.

It is represented that no State Commission or any other Federal Commission has jurisdiction over the proposed transactions. The declarant requests that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-12199; Filed, Oct. 10, 1951; 8:48 a. m.]

[File No. 70-2702]

CENTRAL AND SOUTH WEST CORP.

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK AT COMPETITIVE BIDDING

OCTOBER 5, 1951.

Central and South West Corporation ("Central"), a registered holding company, having filed a declaration, and an amendment thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-50 of the rules and regulations promulgated thereunder, with respect to the following transactions:

Central proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 500,000 shares of the Company's $5 par value common stock. The price to be received for such stock will be determined at competitive bidding.

The net proceeds to be received by Central from the sale of said additional shares of common stock will be applied, subject to the requisite approval of the Commission, to the purchase of additional shares of the common stocks of the principal subsidiaries of Central for the purpose of assisting them in financing their construction programs. Central presently proposes to apply $1,000,000 in 1951 and $2,000,000 in 1952 to the purchase of common shares of Public Service Company of Oklahoma; $2,000,000 and $1,000,000 in 1952 to the purchase of common shares of Central Power and Light Company and Southwestern Gas and Electric Company, respectively; and the remaining net proceeds to the purchase in the future of common shares of one or more of its subsidiaries.

Central has requested that the 10-day publication period for inviting bids for said additional shares of common stock, as provided in Rule U-50, be shortened to a period of not less than six (6) days.

Notice of the filing of the declaration, as amended, having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding with respect to the declaration, as amended, that the applicable statutory standards are satisfied and that it is not necessary to impose any terms and conditions other than those set forth below, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, subject to a reservation of jurisdiction with respect to the results of competitive bidding and also with respect to fees and expenses, as hereinafter provided, and further deeming it appropriate to grant the request of declarant that the bidding period be shortened to six days and that the Commission's order herein become effective forthwith:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of the act that this declaration, as amended, including the request that the bidding period be shortened to six days, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the following additional terms and conditions:

(1) That the proposed issuance and sale by Central of 500,000 shares of common stock, shall not be consummated until the results of competitive bidding, held with respect thereto, shall have been made a matter of record in this proceeding, and a further order, or orders, shall have been entered by this Commission in the light of the record so completed, which order, or orders, shall contain such further terms and conditions, if any, as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved;

(2) That jurisdiction be reserved as to any and all fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-12202; Filed, Oct. 10, 1951; 8:49 a. m.]